

Agenda

Ordinary Meeting

Thursday, 23 April 2015

commencing at 9.00 am

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Chair will declare the meeting open.

2 OPENING PRAYER**3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE****4 RECEIPT AND CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting held on 26 March 2015 and the Special Meeting (Sunshine Coast Airport, Maroochydore City Centre Development Company, Mooloolaba Planning Project and Mooloolaba Commercial Property) held on 30 March 2015 be received and confirmed.

5 OBLIGATIONS OF COUNCILLORS**5.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

5.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

6 MAYORAL MINUTE**7 PRESENTATIONS**

8 REPORTS DIRECT TO COUNCIL**8.1 REGIONAL STRATEGY AND PLANNING****8.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE 288-316 YANDINA-COOLUM RD COOLUM BEACH QLD 4573**

File No:	MCU14/0046
Author:	Senior Development Planner Regional Strategy & Planning Department
Appendices:	App A - Conditions of Approval 21
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Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1470790>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Prime Oceanic Developments Pty Ltd
Proposal	Development Permit for Material Change of Use of Premises (Service Station and Ancillary Car Wash)
Properly Made Date:	14/04/2014
Information Request Date:	15/05/2014
Information Response Received Date:	13/11/2014
Outstanding Issues Response Date:	03/02/2015
Decision Due Date	23/04/2015
Number of Submissions	225 (214 properly made)
PROPERTY DETAILS	
Division:	9
Property Address:	288-316 Yandina-Coolum Rd, Coolum Beach QLD 4573
RP Description:	Lot 4 RP 27021
Land Area:	18.069Ha
Existing Use of Land:	Dwelling and ancillary structures on rural land
STATUTORY DETAILS	
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)
SEQRP Designation:	Regional Landscape and Rural Production Area
Strategic Plan Designation:	Agricultural Production and Rural or Valued Habitat

Planning Area / Locality:	Northern Coastal Plains
Planning Precinct / Zone:	Sustainable Canelands Precinct
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for Material Change of Use of Premises (Service Station with an ancillary Car Wash) at 288-316 Yandina-Coolum Rd Coolum Beach. The application is before council because the proposed use is inconsistent with the intent of the Sustainable Canelands Precinct (a rural zone).

EXECUTIVE SUMMARY

The applicant seeks a Development Permit for a Material Change of Use to establish a Service Station with an ancillary Car Wash at 288-316 Yandina-Coolum Road, Coolum. The application was lodged prior to introduction of the current Sunshine Coast Planning Scheme and, therefore, it has been assessed against the Maroochy Plan 2000.

The site is included within the Sustainable Canelands Precinct of the Maroochy Plan. The use is proposed over the northern portion of the site, occupying only 0.5775Ha of the 18.069Ha site. The proposed Service Station would have frontage to Yandina-Coolum Road, while the balance of the site would remain as a large rural land holding. The proposed use would be 15m east of the existing dwelling on the subject premises.

As the proposed use represents a conflict with the rural precinct designation of the site under the Maroochy Plan 2000, an economic need analysis was provided by the applicant in support of the application. Council sought an external peer review of the analysis, which concurred with the applicant's assessment that sufficient economic need is demonstrated for the proposed Service Station and the Car Wash in this locality.

The predominant site constraint relevant to the development proposal is flooding. The entire site is particularly susceptible to the effects of flooding with current modelling indicating that considerable inundation could occur to the site during a Q100 rainfall event. Some filling has already occurred on the front portion of the site in accordance with building approvals for (currently unconstructed) farm sheds and as part of routine agricultural practices. The proposed filling would not create significant offsite impacts or reduce floodplain storage.

214 properly made and 11 not properly made submissions were received about the application. All but one (1) of the submissions are based on a proforma document and are all in support of the proposal. One (non-proforma) submission is against the proposal.

Assessment against the Maroochy Plan 2000 has identified that, although the proposal is not consistent with the Sustainable Canelands Precinct, it satisfies all other planning scheme code requirements. As such, in conjunction with the demonstrable economic need, there is sufficient justification to support the proposed development despite the conflict with the intent of the Precinct in which the site is located.

OFFICER RECOMMENDATION

That Council:

- (a) **approve with conditions Application No. MCU14/0046 and grant a Development Permit for Material Change of Use of Premises (Service Station and ancillary Car Wash) situated at 288-316 Yandina-Coolum Road, Coolum Beach, in accordance with Appendix A and**
- (b) **find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:**
 - 1. **sufficient economic need has been demonstrated to provide support for the use despite its conflict with the subject site's Sustainable Canelands Precinct**
 - 2. **the proposal is consistent with Regulatory Provisions of the South East Queensland Regional plan and**
 - 3. **it has been sufficiently demonstrated that all site constraints, particularly flooding risk, can be appropriately mitigated.**

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Infrastructure Policy Branch have advised that the total infrastructure charge estimate for this development is \$62,566. This is council's proportion of the maximum infrastructure charge described in the State Planning Regulatory Provisions.

PROPOSAL

The application seeks approval for a Material Change of Use to establish a Service Station with an ancillary Car Wash at 288-316 Yandina-Coolum Road, Coolum. The use is proposed over the northern portion of the site, occupying only 0.5775Ha of the 18.069Ha site. It is proposed to be located on the frontage to Yandina-Coolum Road, with the balance of the site remaining as a rural land holding.

The proposal includes a total of 12 vehicle bays and 2 truck bays. It would also contain a 50m² office and ancillary shop area (150m²). An ancillary Car Wash is also proposed to be located at the western part of the development site and would accommodate an auto wash bay, two manual wash bays and a vacuum bay. The proposed use is located 15m east of the existing dwelling on the subject premises, with the Car Wash facility being approximately 29m from said dwelling. It is proposed that the use and the existing dwelling would remain on one title, which is preferred as it would largely overcome any potential conflicts that the use may create upon any unsuspecting occupants within the pre-existing dwelling.

All structures are typically around 5m in height with a single feature cladding wall up to 8m in height to the northern side of the main building. A 2.1m high acoustic fence is proposed adjacent to the development site's western boundary to protect the amenity of the dwelling located on the subject site. It is proposed that both the Service Station and Car Wash would operate 24 hours/day and 7 days/week.

A total of 10 car parking spaces (including one disabled parking space) are proposed, which exceeds the requirements of the Maroochy Plan 2000. Provision is also made for onsite service vehicle loading. Two new vehicle crossovers are proposed onto Coolum-Yandina Road, being for ingress/egress from the east and west. 3,080m² (53%) of on-site landscaping is proposed across the development site. A screened refuse storage area is provided at the rear of the retail building. Sufficient area is available for a waste collection vehicle to service the refuse bins.

Stormwater would be collected and treated on site and discharged to a lawful point of discharge. A 1,16m² bio-retention basin is proposed in the southern part of the development site to treat stormwater from the proposed development prior to discharging to the rural portion of the site.

SITE DETAILS

Background/Site History

PBA12/0010

A Preliminary Building approval for filling (to accommodate 2 x farm sheds) was issued by council on 23 March 2012. It is understood that this approved fill has been placed on the site.

PC12/0860

An approval for Building Works (2 x farm sheds) was issued via private certification on 29 March 2012. The approval was recently extended and is therefore, still current. The approved farm sheds have not been constructed to date.

PBA12/0059

A Preliminary Building approval for filling (to accommodate 3 x farm sheds) was issued by council on 10 January 2013.

PC12/4404

An approval for Building Works (3 x Farm sheds) was issued via private certification on 29 January 2013. The approval was recently extended and is therefore, still current. The approved farm sheds have not been constructed to date.

Despite the above approvals, spoil from the construction of a dam in the north-western portion of the site had been placed in the vicinity of the proposed development site and thus contributes toward additional fill. As this activity was undertaken for agricultural purposes, the placing of the spoil is considered lawful.

PLM13/0155

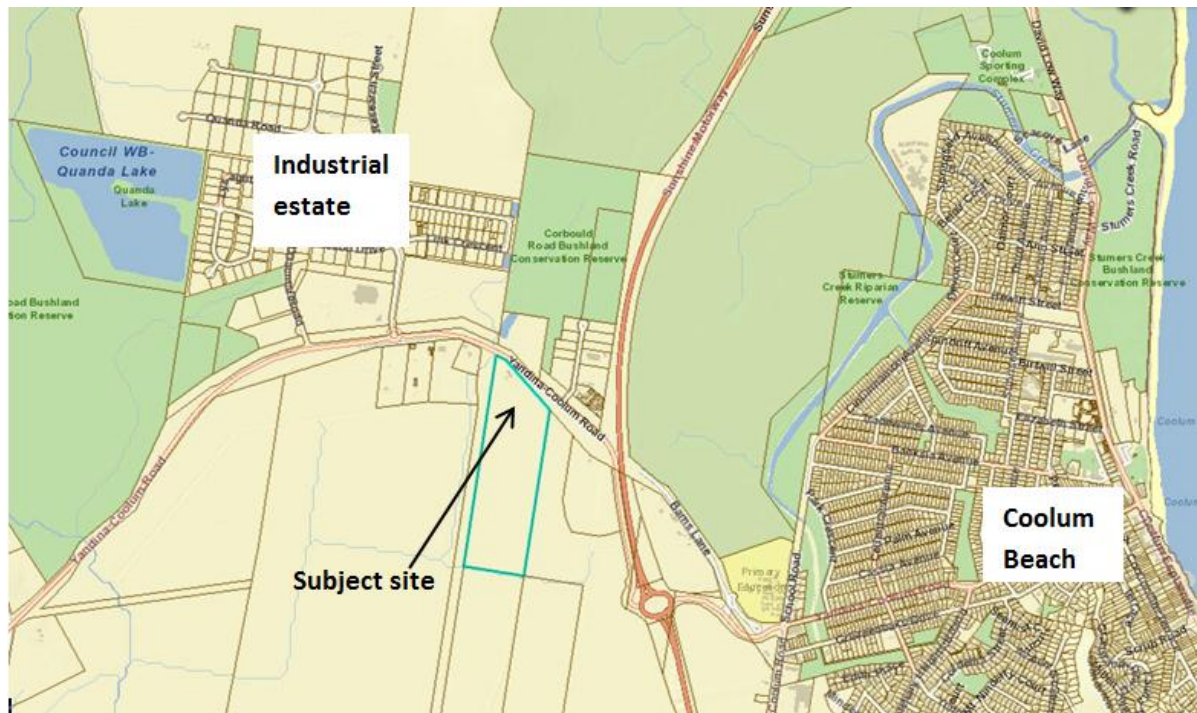
A prelodgement meeting was held on 28 August 2013 for a proposed Service Station on the site. Officers advised that the key matters for consideration related to flooding and economic need for the development, given the use is not preferred in the Sustainable Canelands Precinct (rural zone).

Processing of the current application

The application entered the decision stage on 11 December 2014. However, the applicant's response regarding flooding was insufficient to make a determination about the proposed development. An outstanding issues request were subsequently sent by council, to which the applicant responded on 3 February 2015, sufficiently addressing officers' concerns.

Surrounding Land Uses

The surrounding locality is characterised by a range of uses including undeveloped and vegetated land. A range of commercial/industrial uses and rural land surround the site. The Coolum Industrial Estate is located to the north-west of the site. A nursery (roadside stall), earthmoving business and mechanical repair workshop are located to the west. Unformed road (vegetated) reserve abuts the site's western boundary. The Sunshine Motorway and land resumed by the Department of Transport and Main Roads is located to the east of the site. To the south exists undeveloped rural land. The subject land is located approximately 2km directly west of the Coolum Village Centre.



Site Description

The site currently contains a detached house and structures associated with the rural use. The site is generally flat with some vegetation scattered throughout. The part of the site subject to the proposed development has previously been partly filled, as noted above. The verge area in front of the subject site contains considerable mature vegetation.

The location of the subject site in relation to its surrounds is shown on the image below (the smaller blue outline indicates the approximate area of the proposal within the greater land parcel).



ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

Statutory Instruments – State and Other

State Planning Policies

The Queensland Government established the State Planning Policy (SPP) in December 2013 to simplify and clarify matters of state interest in land use planning and development. The SPP took effect superseding all previous State Planning Policies, and is applicable to this application.

Subsequently, the Queensland Government, as part of its planning reform process, has amended the SPP (July 2014) to incorporate current Government priorities. The single SPP has not been formally incorporated into the Maroochy Plan 2000. This application has, therefore, been assessed against Part E of the State Planning Policy: *Interim development assessment requirements*.

The proposed development has been found to generally comply with the state planning policy.

South East Queensland Regional Plan

The site is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan. As the proposed development contains a Gross Floor Area of less than 1,000m², an incidental retail activity of less than 250m²; and an associated outdoor area of less than 2,000m², it is consistent with the Regulatory Provisions and referral to the State for Regional Plan matters is not required.

State Planning Regulatory Provisions

The proposal is consistent with the South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions as noted above.

The site is not located within a Priority Koala Assessable Development Area or a Koala Assessable Development area and, therefore, the South East Queensland Koala Conservation State Planning Regulatory Provisions are not applicable to this application.

Temporary Local Planning Instrument

The site is not affected by the Temporary Planning Instrument for Vegetation Protection.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is Maroochy Plan 2000 (16 September 2013). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

The site is identified as Agricultural Protection and Rural or Valued Habitat designation in the Strategic Plan. The Strategic Plan identifies a Rural Strategy for 'preferred' activities on rural land. Central to this strategy is the protection of good quality agricultural land and also the reasonable protection of land that may not necessarily be suitable for intensive agricultural uses due to environmental qualities as identified by the 'Rural or Valued Habitat' designation.

In terms of the site's agricultural value, it is noted that the site has recently been the subject of a (land owner instigated) review by the Department of Natural Resources and Mines as part of a Strategic Cropping Land Validation process. This has resulted in the State Government acknowledging that the site does not contain any 'Strategic Cropping Land'. It is understood that the site was historically utilised for cane growing purposes and is now used for cattle grazing.

Only a small portion at the front of the 18.069Ha site is proposed for development, which equates to only 3% of the site area. The balance of the site remains available for agricultural purposes should the owner wish to undertake any such use. Therefore, it is considered that the proposed Service Station would have negligible impact upon any use of the site for agricultural or other rural pursuits.

The intent of the Rural or Valued Habitat designation affecting the site is to protect and retain vegetation communities by, among other measures, ensuring sensitive development solutions and by adopting best environmental management practices. The site is relatively devoid of significant stands of vegetation, with the majority of on-site vegetation located either in the verge at the front of the site, or near the side boundaries. Importantly, no vegetation clearing is required to locate the proposed use on the site other than some removal of trees in the verge to facilitate the two access points.

Overall, it is considered that the proposed use does not compromise the intent of the Strategic Plan in terms of the site's Agricultural Protection and Rural or Valued Habitat designations and that the proposal is broadly consistent with the Strategic Plan. Concerns that the use could be the start of a new commercial node outside of existing centres is largely limited by the South East Queensland Regional Plan and the zoning of the site.

Local Area Provisions/ Precinct Intent

The subject site is located in a Sustainable Canelands Precinct within the southern portion of the Northern Coastal Plains Planning Area. The Intent for this Precinct is that the rural landscape character of the area be retained via measures such as retention of vegetation and provision of large building setbacks to roads to protect the rural setting. The proposal has demonstrated that this can be achieved as it is well set back from Yandina-Coolum Road and the retention of much of the roadside vegetation on the verge will assist in preserving the vegetated character of the locality.

However, the Precinct also intends that rural uses are able to continue, specifically, cane production and other agricultural uses. Hence, urban development is considered to be inconsistent with the intent of the Precinct. In this respect, the establishment of a Service Station conflicts with the intent of the Sustainable Canelands Precinct. Despite this conflict, an economic needs analysis has been provided in support of the application. An external peer review of the analysis was sought on behalf of council. The findings of the analysis found that there is 'moderate to high level' of need to provide support for the use on the subject land. The following points from the economic peer review are noted:

- effect upon existing Service Stations - the two closest service stations to the subject site are the unmanned Caltex service station within the Coolum Industrial Estate and the BP located on Beach Road. These two existing facilities could likely sustain a reduction in turnover in the order of 15% to 20% from the operation of the proposed service station, which is not considered detrimental to those facilities
- appropriateness of location - the needs assessment demonstrates that a facility in this location serves a market demand. In addition to supporting Motorway and local resident trade, the proposed location provides fuel and immediate convenience facilities to the expanding industrial workforce at the Coolum Industrial Area
- scale of the facility - the scale of the facility is appropriate in the context of the market need demonstrated. The self-service fuel facility located within the Coolum Industrial Area meets only very limited fuel retailing needs of Coolum Industrial Area workers. The proposed facility would better serve the needs of those workers, Motorway travellers and local residents.

The peer review noted that there was an application with council that included a Service Station and Car Wash facility at 39 Barns Lane and that, should the Barns Lane application be approved prior to the determination of the current application, then this would impact on the need for the current proposal. However, the application over 39 Barns Lane has since been withdrawn and was never determined.

Given the above, an economic need for the proposed development has been demonstrated.

Special Management Areas

The following Special Management Areas are applicable to this application:

- Acid Sulfate Soils
- Bushfire Prone Areas
- Flood Prone Land
- Nature Conservation Management Area
- Wetlands & Buffer

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the Special Management Area codes related to flooding. Accordingly, assessment against the Code for Integrated Water Management is included below.

Land Use and Works Provisions

The following codes that regulate land use and design are applicable to this application:

- Code for Service Stations and Car Washing Stations
- Code for Community Safety and Security
- Code for Landscaping Design
- Code for Transport, Traffic and Parking
- Operational Works Code
- Code for Integrated Water Management
- Code for Erosion and Sediment Control

The application has been assessed against each of the above applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below.

Code for Service Stations and Car Washing Stations

Acceptable Measure 2.3 requires that the use is situated *not more than 100 m from the intersection of two or more roads, one of which is an Arterial Road, Sub arterial or a Trunk Collector Street.*

The proposal does not meet this requirement. However, it meets Performance Criterion P2 in that it allows for safe and convenient vehicle access by way of separate entrance to and exit from the site with suitable sized vehicle crossings. Further upgrades to Yandina-Cooloom Road are conditions required by the Department of Transport and Main Roads, which includes turning and deceleration lanes.

Code for Integrated Water Management

The site is identified as being flood prone and this has been a considerable issue to overcome in relation to the proposal to date. Council's Hydrologist has assessed the proposal and advised as follows.

Existing Fill

The site has been progressively filled over the past 5 years, which has been undertaken partly as lawful agricultural (farm) works and partly via approvals for farm sheds.

Preliminary Building Approval PBA12/0059 and a subsequent Development Permit for building works (PC12/4404) have been issued for sheds and a driveway immediately to the south of the proposed Service Station. The Preliminary Building Approval resulted in the approval of a large fill platform associated with proposed sheds and placement of this fill (all within flood prone land) has resulted in the loss of floodplain storage capacity. Only the fill platforms currently exist on the site, as the associated approved sheds have not been constructed to date.

Most of the fill placed where the Service Station is proposed is outside the footprint approved under the above Preliminary Building Approvals. It is understood that the source of this fill was from expanding the size of an existing dam on the property. The construction of dams and the placing of the subsequent spoil on site are exempt works under the *Sustainable Planning Act 2009* (ie. routine agricultural activities). Hence, it is considered that the fill currently on site has been lawfully placed and forms the base case for determining flood impact.

Offsite Impacts

As a result of the above scenario, it is only the effect of proposed minor additional filling which has been considered. The proposed development has been designed such that the impacts can be mitigated to an area of the Yandina-Coolum Road reserve, outside of the road pavement. The trafficability of the road is, therefore, not compromised by the proposed development. The lost floodplain storage capacity from the required additional fill is proposed to be mitigated by undertaking compensatory cut from other areas of the site.

Flood Immunity

The site is subject to regional flooding from Doonan Creek and the Maroochy River. Including the projected effects of climate change, the 1% AEP (or Q100) flood level is 3.81m AHD. The Maroochy Plan requires a lower freeboard to floor level for the defined flood event than does the current Planning Scheme (a difference of 0.1m). This difference in freeboard does not constitute a significant risk.

Prior to any fill being placed, the existing site had a ground level of around 2.0m AHD. However, the fill placed on the site over recent years has raised this to approximately 3.5m AHD. The proposed minimum floor level of buildings on the site is 4.31m AHD. This floor height is 0.5m above the 1% AEP flood event including the projected effects of climate change to 2100 which, incidentally, meets the flood immunity requirements of both Planning Schemes. A Flooding and Stormwater Assessment has been provided by the applicant and conditions are recommended to achieve flood immunity for the development.

Stormwater Quantity and Lawful Point of Discharge

Stormwater from the service station site will discharge onto the large rural portion of the site. The stormwater will enter a dam which has recently been increased in size and then overflow into an area of unformed road reserve which adjoins the western boundary of the site. Detention of stormwater to compensate for the increased impervious area of the development is not required because of the large regional catchments (Maroochy River and Doon Creek), which are the source of flooding and have much longer response times.

Acid Sulfate Soils (ASS)

Excavation will be required to accommodate underground fuel storage. Spoil from excavations is likely to contain ASS/PASS and will require treatment on site. Sufficient space is available on site to carry out treatment and accommodate excess spoil. It is recommended that conditions be included to ensure the appropriate treatment of ASS occurs during site works.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies.

Concurrence

Department of State Development, Infrastructure and Planning (SARA)

The department is a concurrence agency for State Controlled Road matters. The department responded by letter dated 10 December 2014 (amended on 12 December) providing conditions for the proposal, generally requiring the following:

- removal of the existing dwelling's property access and constructing the alternate access onto Yandina-Coolum Road, which is to be temporary until such time that the adjacent road reserve to the west is constructed
- restricting access for the Service Station use to the nominated locations on the plans
- reinstating the table drain on the verge
- road upgrade works to Yandina-Coolum Road, including:
 - provision of a channelised right turn lane and deceleration lane for vehicles turning right into the site; and
 - a left turn lane from Yandina-Coolum Road into the site.

Other Referrals

Unitywater

The application was forwarded to Unitywater and its assessment forms part of this report.

Internal Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Unit
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 214 properly made submissions and 11 not properly made submissions were received. All but one (1) of the submissions were based on a proforma document and were all in support of the proposal. One (non-proforma) submission is against the proposal.

The following table provides a summary and assessment of the issues raised by submitters.

Issues	Comments
Proposed Development is in conflict with the current town plan.	The application is being considered under the Maroochy Plan rather than the 'current' planning scheme. While the proposed development is in conflict with the Sustainable Canelands Precinct (zone) of the Maroochy Plan 2000, sufficient need has been demonstrated to provide support for the proposal despite this conflict.
An alternate site near the Quanda Road corner would be more appropriate for a Service Station as this is already a commercial precinct.	The proponent has applied over the subject site, despite is 'rural zoning', and there is sufficient merit to support the proposal.
The existing roundabout for Coolum Park industrial estate would accommodate increased traffic flow along Yandina-Coolum Road as opposed to more unnecessary infrastructure.	The Department of Transport and Main Roads has conditioned upgrade works to the site's frontage, including additional turning and deceleration lanes. Once constructed, these upgrades should have negligible effect on through traffic.
The site would require considerable filling to raise it above flood level, which would create a backlog of floodwater into neighbouring properties.	The proposed development has been designed such that there should be no worsening flood impacts to surrounding properties.
There is a need for the proposal which will provide a service that is currently lacking in the locality.	An economic need analysis supports the proposal.
The proposal will not be out of place with surrounding land uses.	Agree. There are a number of non-rural uses already established along the southern side of Yandina-Coolum Road in this location. Land to the east has been resumed by DTMR for major transport infrastructure. The area has limited rural amenity.
The development will create jobs growth during construction and operation phases.	Noted.
The development is of a form and scale suitable to its location.	It is considered that the proposal would not unnecessarily compromise the character of the area.

SUNSHINE COAST PLANNING SCHEME

The subject site is zoned Rural and located within Zone Map 9 of the Sunshine Coast Planning Scheme.

The application would trigger impact assessment under the planning scheme, and would be affected by the following Overlays:

- Acid Sulfate Soils
- Airport Environs
- Biodiversity, Waterways and Wetlands (Riparian protection area & wetland)
- Bushfire Hazard (Medium hazard buffer)
- Extractive Resources (Separation area)
- Flood Hazard
- Height of Buildings and Structures (8.5m)
- Regional Infrastructure (Major road corridor & buffer)
- Scenic Amenity (Scenic route)

The development is generally consistent with the Sunshine Coast Planning Scheme, particularly as the Rural zone code nominates a Service Station as a 'potentially consistent' use. The proposal would comply with the Acceptable Outcomes of the Service Station Code in that it:

- meets the minimum lot size requirement
- would be located more than 15km from any other service station
- meets the minimum setback requirements.

The only (relatively minor) non-compliance with the above Code would be the Acceptable Outcome relating to hours of operation. Acceptable Outcome AO9 of the Code states that, where a Service Station adjoins a residential use, the hours of operation are limited to 7am to 10pm. The application seeks unlimited hours of use.

The associated Performance Outcome requires that the amenity of such residential premises is protected from noise, light and odour. An acoustic fence is proposed between the existing dwelling on the site and the proposed use. This would assist in achieving compliance with the Performance Outcome. However, it is also important to note that the existing house is located on the same site subject to the proposed development. Any future owner/resident should be well aware of the existence of the service station.

Site constraints (overlays) would be similar to the current assessment under Maroochy Plan 2000. In particular, the proposal would still be able to achieve compliance with the Flood hazard code of the Sunshine Coast Planning Scheme.

CONCLUSION

The application is for the establishment of a Service Station comprising 12 vehicle and 2 truck bays, as well as an ancillary Car Wash facility on rural zoned land at Yandina-Coolum Road, Coolum. While the proposed use represents a substantial conflict with the Sustainable Canelands Precinct under Maroochy Plan 2000, demonstrable need has been provided to justify support for the proposal. In particular, it has been demonstrated that the proposed use would not compromise the viability of existing service stations in the Coolum area. The proposal is not out of context with the existing land uses in the locality and it would not unnecessarily compromise the amenity of the area. The proposal is able to effectively mitigate its impacts upon the surrounding area, particularly in relation to flooding.

Accordingly, the application is recommended for approval.

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU14/0046
Street Address:	288-316 Yandina-Coolum Rd COOLUM BEACH QLD
Real Property Description:	Lot 4 RP 27021
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises (Service Station and Ancillary Car Wash)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

4. INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “necessary infrastructure condition” for the provision of trunk infrastructure as defined under chapter 8 of the Sustainable Planning Action 2009.

5. ASSESSMENT MANAGER CONDITIONS

PLANNING

When conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Building Height

3. The maximum height of the development must not exceed 8.5 metres above the finished ground level and the natural ground surface.

4. Certification must be submitted to Council from a Licensed Surveyor which certifies that the buildings do not exceed the maximum height requirement of this Decision Notice.

Nature and Extent of Approved Use

5. At all times while the use continues, retail sale of goods must remain an ancillary component to the use. The maximum area used for the purpose of display and retail sale of goods must not exceed 150m² gross floor area.
6. The approved Service Station and existing dwelling must remain in one land title.

Public Safety

7. All shopfront glazing must be protected against unlawful entry by the use of a form of safety glass such as toughened or laminated glass. All other windows provided at the ground floor must include toughened or laminated glass, or security screens.
8. Signs must be provided and located to direct people to entries and exits and to parking spaces within the site. Public parking areas must be clearly designated as such and have clearly defined access points.
9. During operating hours, all building entrances, parking areas, pedestrian areas and loading docks must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of *AS1158 - Lighting for Roads and Public Spaces* and the *Sunshine Coast Public Lighting Plan*. Lighting must be directed onto the site or building and away from neighbouring sites. Lighting must be designed to reduce the contrast between shadows and well lit areas.

ENGINEERING

Site Access and Driveways

10. A sealed access driveway must be provided from Yandina-Coolum Road to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) Relocation of the existing residential driveway in accordance with Department of Transport and Main Roads (TMR) requirements;
 - (b) Separate entrance and exist driveways in accordance with TMR requirements;
 - (c) Farm access from the entrance driveway to the existing shed building pads. Farm access must be wholly contained within the property.
11. Approval from the Department of Transport and Main Roads for the final design of the site access and driveway works must be submitted in writing to Council prior to the issue of any Development Permit for Operational Works.
12. Internal access, between the existing dwelling and shed building pads, must be provided wholly within the site and made available for farm operations at all times. The works must be undertaken in accordance with an Operational Works approval.

Car Parking

13. A minimum of 8 car parking spaces must be provided and marked on the site, and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) A minimum of 1 disabled parking space/s within the total;
 - (b) Crossfalls and gradients in accordance with *AS 2890 - Parking Facilities*.
14. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Service Vehicles

15. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) Regular access for an AV;
 - (b) All fuel unloading, including any exclusion zones, wholly contained onsite.

Electricity and Telecommunication Services

16. Reticulated electricity and telecommunication services must be provided to the development in accordance with the requirements of the relevant service provider.

HYDROLOGY

Stormwater Drainage

17. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

Stormwater Quality Management

18. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval, and include stormwater quality treatment devices of a size and location generally in accordance with those shown in Section 5 of the of the Flooding & Stormwater Assessment listed in this Decision Notice.
19. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) – *Maintaining Vegetated Stormwater Assets* (Version 1). A copy of this document must be retained on the site together with the approved Operational Works drawings for the stormwater quality treatment system and a detailed life cycle costing of the system attached as an addendum. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

Flood Immunity

20. The minimum floor level of all buildings constructed on the site must be in accordance with the Approved Plans.

Flood Management

21. All works must be carried out generally in accordance with Section 7 of the Flooding and Stormwater Assessment listed in this Decision Notice.
22. The development must be constructed so that no loss of floodplain storage occurs below 3.30m AHD. In conjunction with the first operational works development application, detailed engineering drawings and associated calculations must be submitted showing volumes of fill and compensatory cut below 3.30m AHD. All compensatory cut areas must be free-draining.

ENVIRONMENTAL HEALTH

Waste Management

23. Refuse storage, removal and collection facilities must be provided in accordance with the following:
 - (a) provision of a minimum bulk bin volume of 1100L for general waste, and 1100L for recycle waste for the site, or equivalent volume in wheelie bins;
 - (b) collection by service vehicles on site in a safe efficient and unobstructed manner;
 - (c) provision of a communal hardstand impervious area for the permanent storage location of all refuse bins;
 - (d) provision of a 1.8m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping;
 - (e) provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m².

Acoustic Amenity

24. A 2.1m high acoustic barrier must be constructed on the site for noise attenuation. The barrier must be constructed along the western boundary of the development site, as shown on the approved plans and, in accordance with an Operational Works approval.
25. Any fixed plant and equipment* that causes either tonal (L_{eq}) sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:
 - (a) 45 dB(A) L_{eq} for living and work areas
 - (b) 40 dB(A) L_{eq} for sleeping areas
 - (c) 50 dB(A) L_{max} for all areas

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

*(Refer to Advisory Note)
26. Certification must be submitted to Council from a qualified person* which certifies that the development complies with the acoustic requirements of this Decision Notice.
*(Refer to Advisory Note)

Outdoor Lighting Devices

27. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "*Control of the obtrusive effects of outdoor lighting*" using a control level of 1.
28. Certification must be submitted to Council from a qualified person* which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice.
*(Refer to Advisory Note)

Acid Sulfate Soils

29. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works.
*(Refer to Advisory Note)
30. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils must achieve the following quality prior to release from the site:
 - (a) a pH range of 6.5-8.5 pH units;
 - (b) 50mg/L maximum total suspended solids concentration;
 - (c) 0.3mg/L maximum total iron concentration;
 - (d) 0.2mg/L maximum total aluminium concentration;
 - (e) no visible plume at either the point of release from the site or within a waterway.

Air Quality

31. The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the use must not cause a nuisance at any nuisance sensitive or commercial place.

Car Wash

32. Automatic mechanical car wash facilities must be designed to collect, treat and recycle waste water for reuse.

Petroleum Products – Installation Design

33. The site must be designed to comply with *Australian Standard AS1940 "The storage and handling of flammable and combustible liquids"*.
34. All inlets to bulk fuel storage tanks must be located to ensure that fuel delivery trucks can stand wholly within the site while discharging fuel.

Vapour Recovery

35. Stage 1 Vapour Recovery Systems (VR1) shall be installed for all tanks used for the storage of motor spirit on the site to return displaced vapour to the delivery vehicle during filling of the underground petroleum storage system. The Vapour Recovery System shall be designed and installed in compliance with the following:
 - (a) mixing of product must be prevented in pipework common to more than one tank;

- (b) spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser;
- (c) the vapour recovery point must be located within 2 metres of the respective fill point.

Underground Petroleum Storage

- 36. The design, installation and operation of the underground petroleum product storage system must be in accordance with Equipment Level 1 as defined in *AS4897-2008 the design, installation and operation of underground petroleum storage systems*.
- 37. All reasonable and practicable measures* must be taken to prevent or minimise environmental harm* that may be caused by the use.
- 38. The use must be undertaken in accordance with a site management plan and written procedures* that:
 - (a) identify potential risks to the environment from the use during routine operations and emergencies;
 - (b) establish and maintain control measures that minimise the potential for environmental harm;
 - (c) ensure plant, equipment and measures are maintained in a proper and effective condition;
 - (d) ensure plant, equipment and measures are operated in a proper and effective manner;
 - (e) ensure that staff are trained and aware of their obligations (general environmental duty*) under the *Environmental Protection Act 1994*;
 - (f) ensure that reviews of environmental performance are undertaken at least annually.
- 39. An appropriately qualified person(s)* must monitor, record and interpret all parameters that are required to be monitored in accordance with the Reference Documents of this Decision Notice and the written procedures.

Dispensing Areas & Forecourt

- 40. All ground surfaces within fuel dispensing and non- fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and shall be maintained free of gaps or cracks.
- 41. Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays by measures including, but not limited to painted lines on the ground, roll-over bunds and different coloured concrete. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.
- 42. The fuel dispensing area shall be graded to a suitable underground containment vessel (i.e. sump/tank) compatible with petroleum products and other likely chemicals. Details of the spill containment infrastructure and procedures must be provided at operational works stage.
*(Refer to Advisory Note)

43. Fuel dispensing areas shall be covered by a roof or canopy to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a horizontal distance of $\frac{1}{4}$ of the roof height out from the vertical above the boundary of the demarcated fuel dispensing area.
44. Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".
45. Certification must be submitted to Council from a qualified person* which certifies that the installed equipment associated with the underground storage and the dispensing of Flammable and Combustible Liquids complies with the requirements of this Decision Notice.
*(Refer to Advisory Note)

LANDSCAPING

Landscaping Works

46. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval prepared by a suitably qualified person* and must include in particular:
 - (a) a minimum 3 metre wide landscaping strip along the Yandina-Coolum Road frontage of the subject site, exclusive of the access driveway, generally uncompromised by infrastructure items;
 - (b) a 3 metre wide landscaping buffer to side boundaries of the development site;
 - (c) a 15 metre wide landscaping buffer to rear (southern) boundary of the development site (excluding the bio-retention area as necessary);
 - (d) vegetated screening of the service station from the adjacent properties to the east and west, designed such that 90% of the service station will be screened at maturity;
 - (e) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage;
 - (f) control of all weeds species listed in the following standards and legislation:
 - (i) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003;
 - (ii) *Sunshine Coast Local Government Area Pest Management Plan 2012-2016*.(* refer to advisory note)
47. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures healthy and sustained plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

Retention of Existing Trees

48. The existing native trees on the site and in the road reserve must be retained and protected, except where required to be removed to accommodate the approved crossovers. Details of the retention and protection are to be submitted with an operational works application.
49. Existing non-native species on the site and in the road reserve are to be removed. Details of the species to be removed are to be submitted with an operational works application.

UNITYWATER

50. Reticulated water supply and sewerage must be provided to the development.
51. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
52. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
53. A Unitywater installed primary water meter must be provided immediately inside each property boundary. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
54. Water meters must be located on alternative boundaries to electrical pillars.
55. Easements of between 3 and 10 metres must be provided over all Unitywater sewers located within property boundaries in accordance with the SEQ standards. Easements must be centred over the pipe. Easement terms must be the most current registered dealing held by the Department of Natural Resources & Mines and must not be altered or amended.
56. Written approval to enter and construct must be provided from property owners through which external sewers will traverse. This must be submitted with lodgment of the associated development application for Operational Works.
57. Buildings, and other structures must maintain a minimum clearance of 1.5 meters from Unitywater sewer mains, and 1.0 meter from a sewer manhole chamber or sewer inspection opening.
58. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature, and suitable approved varieties.
59. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

6. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA at DSDIP South East Queensland (North) Regional Office PO Box 1129 MAROOCHYDORE QLD 4558 Online: Mydas (at www.disdip.qld.gov.au) Email: SEQNorthSARA @dsdip.qld.gov.au	State Controlled Road Matters	The agency provided its response on 10 December 2014 (Reference No. SDA-0714-012173). A copy of the response is attached.

7. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
0669-SD107	C	<i>Site Overlay</i> , prepared by BRD Group	29.10.2014
0669-SD101	H	<i>Site Plan</i> , prepared by BRD Group	29.10.2014
0669-SD103	C	<i>Floor Plan Service Station</i> , prepared by BRD Group	29.10.2014
0669-SD105	C	<i>Floor Plan Car Wash</i> , prepared by BRD Group	29.10.2014
0669-SD106	C	<i>Elevations Car Wash & Street</i> , prepared by BRD Group	29.10.2014
0669-SD104	C	<i>Elevations Service Station</i> , prepared by BRD Group	29.10.2014

8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
J00164R1	-	<i>Flooding & Stormwater Assessment: 288-316 Yandina Coolum Road</i> prepared by Hydrology & Water Management Consulting Pty Ltd	12/11/2014

9. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

PLANNING

Advertising Devices

1. The advertising devices shown on the approved plans has not been approved as part of this Development Permit for a Material Change of Use. A development application for Operational Works (placing an advertising device on premises) will need to be made prior to the installation of any signage on the site, for any signage that does not meet the Acceptable Measures of the relevant Code.

Equitable Access and Facilities

2. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the National Construction Code - Building Code of Australia (Volume 1) as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:
 - (a) the *Disability Discrimination Act 1992* (Commonwealth)
 - (b) the *Anti-Discrimination Act 1991* (Queensland) and
 - (c) the Disability (Access to Premises – Buildings) Standards.

Aboriginal Cultural Heritage Act 2003

3. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*. The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the *ACH Act*.

Easements and Future Works over External Land

4. Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council's Property Management Branch and note that compensation may be payable.

Other Laws and Requirements

5. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licences or permits may be found in the "Laws & Permits" page of the Sunshine Coast Council website (www.sunshinecoast.qld.gov.au). For information about State and Federal requirements please consult with these agencies directly.

Development Compliance Inspection

6. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection

Infrastructure Charges

7. This Development Permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Council's "Adopted Infrastructure Charges Resolution" under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

8. The QLeave levy must be paid prior to the issue of a development permit where it is required. Council will not be able to issue a Decision Notice for Operational Works without receipt of details that the Levy has been paid. QLeave contact: 1800 803 481 (free call) or (07) 3212 6855.

Co-ordination of Operational Works Assessment

9. Additional application fees apply to Operational Work applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

ENVIRONMENTAL HEALTH

Qualified Person

10. For the purpose of preparing an Acid Sulfate soil and Groundwater Management Plan, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland (RPEQ) or;
 - (b) a soil scientist with a minimum of 5 years experience in the field of acid sulfate soils.
11. For the purposes of certifying underground petroleum product storage systems, a qualified person is considered to be:
- (a) a Registered Professional Engineer of Queensland (RPEQ) and;
 - (b) a minimum of 5 years experience in the field of installation of underground

petroleum storage systems, and is affiliated with the Australian Petroleum Industry Contractors & Suppliers Association.

12. For the purpose of certifying acoustic treatments for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland;
 - (b) an environmental consultant with a minimum of 3 years current experience in the field of acoustics.

Noise

13. For the building design and construction of the approved use, the direction of a qualified acoustic consultant will ensure the installation of fixed plant and equipment (e.g. air-conditioning condenser units, refrigeration plant and mechanical exhaust discharge) are suitably located and/or shielded to avoid nuisance being caused by any noise from the plant and equipment.

SPEL Purceptor or Equivalent: Underground spill containment vessel - Management and Maintenance

14. With regard to the underground spill containment vessel the following advice applies:
- (a) A site management plan must be developed to provide guidance on the reasonable and practicable measures and written procedures that must be taken to prevent or minimise environmental harm that may be caused by the use;
 - (b) Environmental harm is defined in the *Environmental Protection Act 1994*;
 - (c) General Environmental Duty under the *Environmental Protection Act 1994*: A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm;
 - (d) Appropriately qualified person(s): means a person or persons who has professional qualifications, training, skills and experience relevant to the written procedures and can give authoritative assessment, advice and analysis in relation to the procedures using the relevant protocols, standards, methods or literature stated within the procedures.

Tradewaste

15. Trade waste generated on-site must be subject to Unitywaters Trade Waste Policy. The applicant is advised to contact Unitywater's Trade Waste Officer to determine trade waste requirements.

LANDSCAPING

Qualified Person

16. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 5 years current experience in the field of landscape design.

10. PROPERTY NOTES

The following property notes will be placed against the subject property in council's property record system:

MCU14/0046 – Protection of amenity of existing dwelling

A Service Station with ancillary Car Wash is approved on this lot. Future owners should be aware that there may be adverse impacts to occupants of the dwelling on this property associated with the approved use.

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (Excavation & Filling, External Works, Carparking, Driveways, Stormwater Drainage & Landscaping works)
- Development Permit for Operational Works (Advertising Device)

13. SELF ASSESSABLE CODES

The following codes for self-assessable development related to the development approval issued under this Decision Notice must be complied with:

- Advertising devices code

14. SUBMISSIONS

There were 214 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

1. Sufficient economic need has been demonstrated to provide support for the use despite its conflict with the subject site's Sustainable Canelands Precinct;
2. The proposal is consistent with Regulatory Provisions of the South East Queensland Regional plan;
3. It has been sufficiently demonstrated that all site constraints, particularly flooding risk, can be appropriately mitigated.

16. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

17. OTHER DETAILS

If you wish to obtain more information about council’s decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at council offices.

8.1.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (RENEWABLE ENERGY FACILITY) AT 909 YANDINA - COOLUM ROAD, VALDORA

File No:	MCU14/0161
Authors:	Development Planner Regional Strategy & Planning Department Principal Development Planner Regional Strategy & Planning Department
Appendices:	App A - Assessment of Application (Under Separate Cover) Att Pg 5
Attachments:	Att 1 - Concurrence Agency Response49

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1541668>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	GHD, on behalf of Sunshine Coast Regional Council
Proposal	Development Permit for Material Change of Use of Premises (Renewable Energy Facility)
Properly Made Date:	3 November 2014
Information Request Date:	14 November 2014
Information Response Received Date:	18 February 2015
Decision Due Date	1 May 2014 (1 st 20 Business Days)
Number of Submissions	Nil
PROPERTY DETAILS	
Division:	9
Property Address:	909 Yandina-Coolum Road, Valdora
RP Description:	Lot 3 SP 219490
Land Area:	49.25 hectares
Existing Use of Land:	Vacant Land
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme
SEQRP Designation:	Regional Landscape and Rural Production Area
Strategic Plan Designation:	Rural Enterprise and Landscape Area
Planning Area / Locality:	Zone Map ZM7 & ZM9
Planning Precinct / Zone:	Community Facilities Zone (Renewable Energy Facility)
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for Material Change of Use of Premises (Renewable Energy Facility) at 909 Yandina-Coolum Road, Valdora. This code assessable application is before council in the interest of good governance.

EXECUTIVE SUMMARY

The application seeks approval for a Development Permit for a Material Change of Use for a Renewable Energy Facility, located at 909 Yandina-Coolum Road, Valdora. The site is situated within the Community Facilities Zone (Renewable Energy Facility). The proposed development is a consistent use in this zone.

The proposal is for 15 megawatt solar farm, which is located on the southern portion of the site. This application forms stages 1a and 1b of the overall development, which is comprised of a possible three stages.

In the interest of good governance, the application has been assessed by an external independent assessor (Cardno HRP), with council officers undertaking only the administrative duties. The main issues arising out of the assessment include visual impacts, flooding and ecology.

The site has a total area of 49.25 hectares and has minimal existing natural values. The proposed development will include vegetation buffers, along the southern, western and eastern boundaries, to screen most views from the adjacent roads to address visual amenity.

The development is located away from major transport routes and coastal centres. There is potential for the solar array to be visible from surrounding areas. The independent assessor has advised this is capable of being mitigated through screening by vegetated buffers and the rehabilitation zone. The solar panels will be less than 5.5 metres above ground and are not expected to impact upon traffic on Yandina-Coolum Road and Ninderry Road.

The independent assessment reveals that the proposed development will not adversely impact on flood levels and stormwater drainage in the vicinity of the subject site in either regional or local flood events.

The independent assessment has identified that the proposal generally complies with all relevant statutory instruments. The application is, therefore, recommended for approval.

OFFICER RECOMMENDATION

That Council approve with Conditions Application No. MCU14/0161 and grant a Development Permit for a Development Permit for Material Change of Use of Premises (Renewable Energy Facility) situated at 909 Yandina-Coolum Road, Valdora, in accordance with Appendix A (Assessment of Application) received from the external independent assessor.

FINANCE AND RESOURCING

An application fee in accordance with the Register of Cost Recovery Fees and Commercial Charges for Sunshine Coast Region 2014-2015 has been paid.

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Transport and Infrastructure Policy Branch has advised that the total infrastructure charge estimate for this development is \$41,375. This is council's proportion of the maximum infrastructure charge described in the State Planning Regulatory Provision. The costs associated with assessment of this code assessable application are included in the application fee paid by the applicant.

PROPOSAL

The application seeks approval for a Material Change of Use (Renewable Energy Facility) at 909 Yandina–Coolum Road, Valdora.

Assessment Process

The application has been made by GHD on behalf of the Sunshine Coast Council. In the interests of good governance and by request of the Chief Executive Officer, Cardno HRP has been engaged as an external independent assessor for the assessment of this code assessable application.

The Regional Strategy and Planning Department of the Sunshine Coast Council has undertaken the administrative functions of the assessment, but has not been involved in the assessment of the application.

Proposal

The proposed Renewable Energy Facility is located at 909 Yandina–Coolum Road, Valdora. The proposed facility has an electricity output of 15 Megawatts and is to be connected directly to the Energex electricity network. The solar farm panels and associated infrastructure will cover an area of 23.85 hectares, which equates to approximately 48% of the site. The site will be accessed directly from Yandina-Coolum Road.

Staging

The Renewable Energy Facility is proposed to be constructed over three stages. However, this application relates only to Stage 1a and 1b. Further applications will be required at a later date to assess Stages 2 and 3 of the development.

A breakdown of the entire development is demonstrated below:

Stage 1a: Civil site preparation for construction of utility aspects, including broader earthwork preparation and landscaping required to buffer surrounding land. Stage 1a will also include the construction of site access off Yandina–Coolum Road (State Controlled Road).

Stage 1b: Construction of solar utility infrastructure including panels, inverters, fencing and other ancillary items connected to the ancillary equipment and maintenance support precinct.

The Maintenance and Support Precinct will include items such as the following:

- 33 Kilovolt Substation
- Maintenance Shed
- Future Batter Storage

The solar panels will be located over the southern portion of the site and will be set back approximately 150 metres from the northern boundary. The proposal also includes a vegetated setback of 10 metres to the western and eastern boundaries, and between 12-38

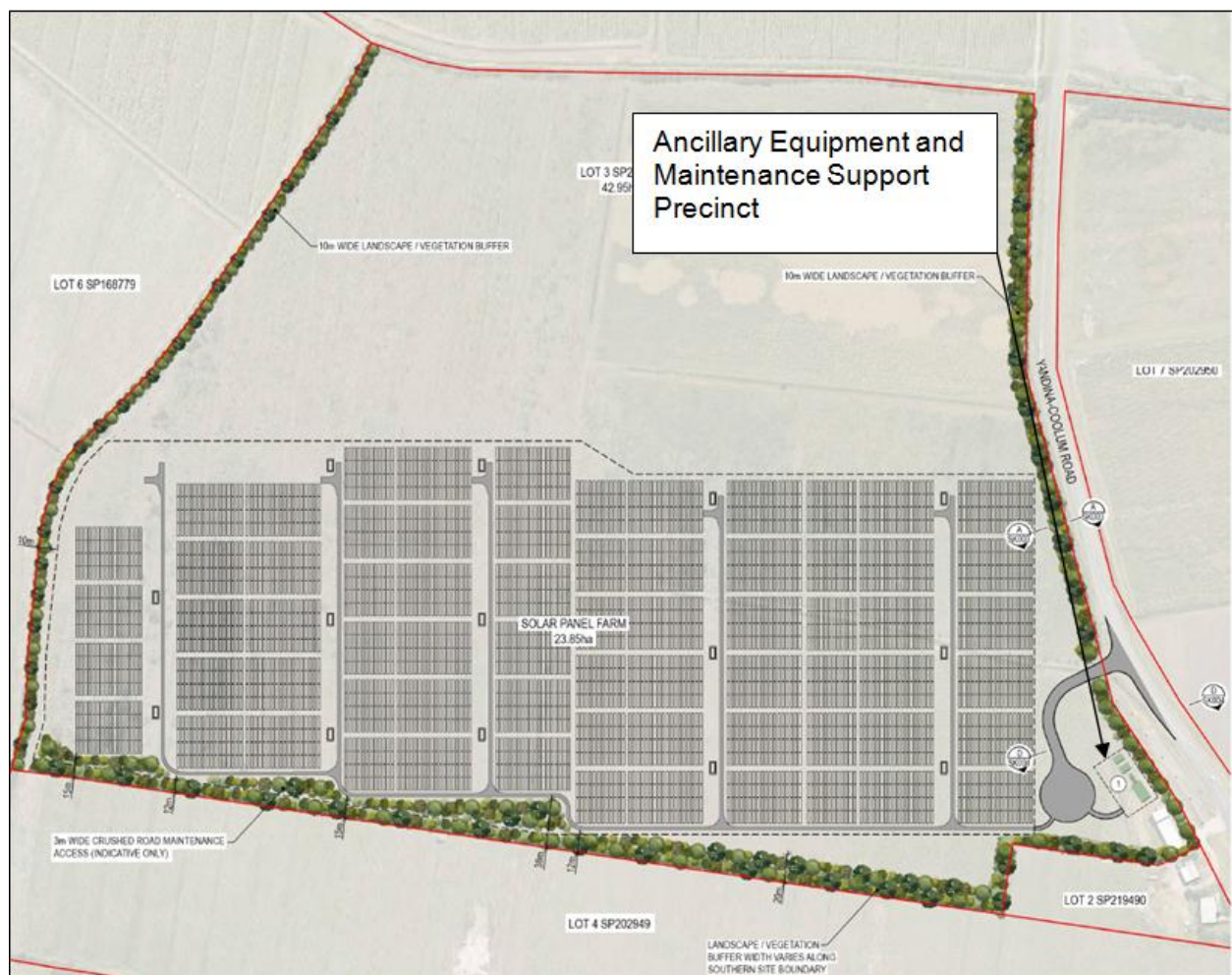
metres on the southern boundary. The northern boundary of the site has an existing waterway that runs the length of the boundary and has existing significant riparian vegetation of approximately 10 metres, which acts as a buffer between land uses.

The panel system proposed is a 'single axis' tracking system, meaning that the panels will track the sun throughout the course of the day. The solar farm will be unmanned after construction and commissioning. Regular maintenance and repairs will be required.

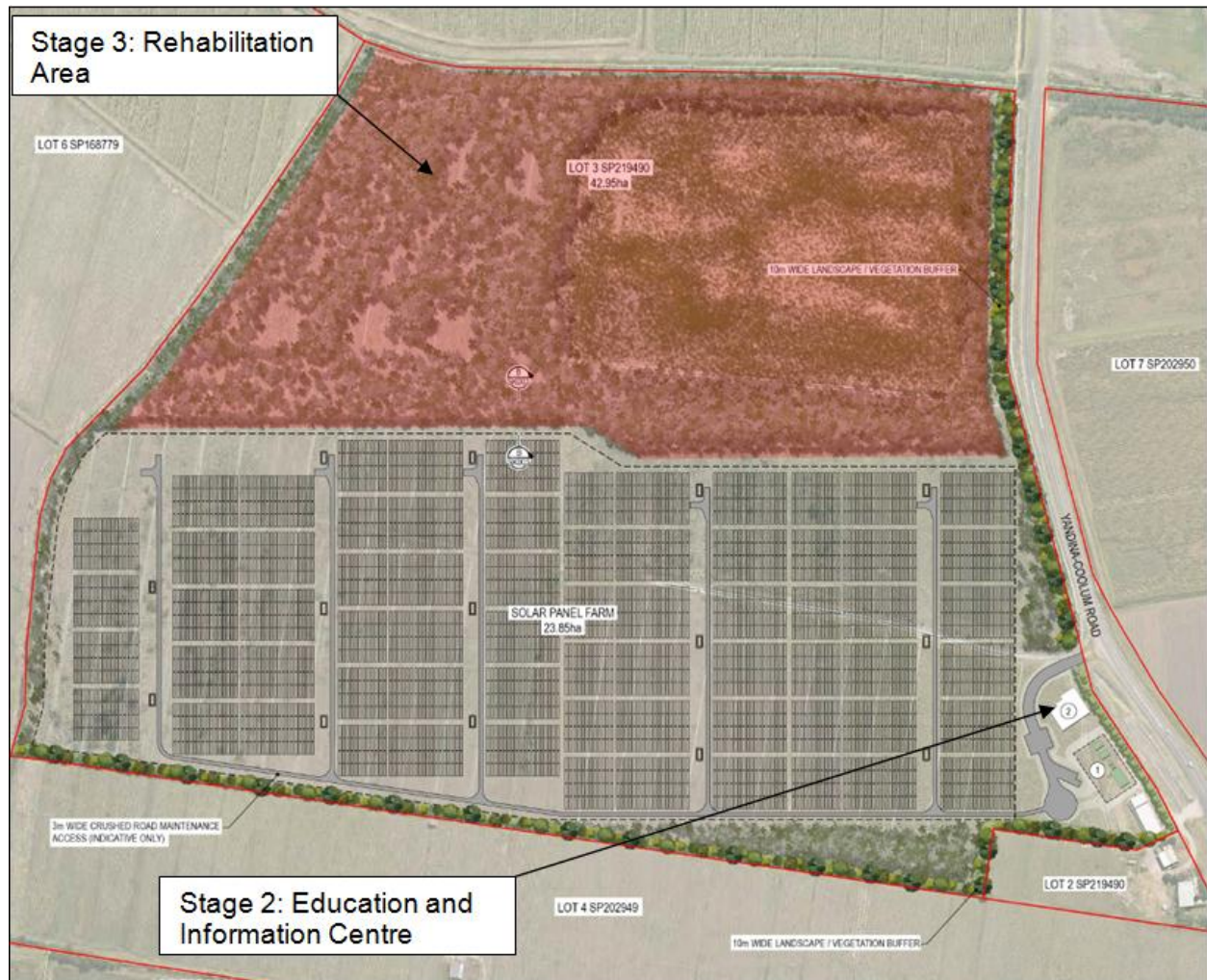
Stage 2: Construction of the Education and Information Centre and Viewing Platform. Stage 2 will also include the construction of the associated internal access, car parking and lay-down areas associated with the facilities.

Stage 3: Rehabilitation of remaining low lying areas north of the proposed facilities. This area equates to approximately 21.3 hectares.

Stage 1a and 1b



Future Stages 2 and 3



SITE DETAILS

Background/Site History

MCU11/0030: Development Permit for a Material Change of Use – Major Utility (Solar Farm)

An application for a Material Change of Use – Major Utility (Solar Farm) was received on 16 February 2011. The application was made under the Maroochy Plan 2000 and required impact assessment.

The application received 97 submissions (85 properly made) and subsequently went to council due to significant public interest. The application was approved by Council on 22 June 2011.

The applicant made representations on 29 July 2011 regarding a number of conditions. Council issued a Negotiated Decision Notice on 8 August 2011.

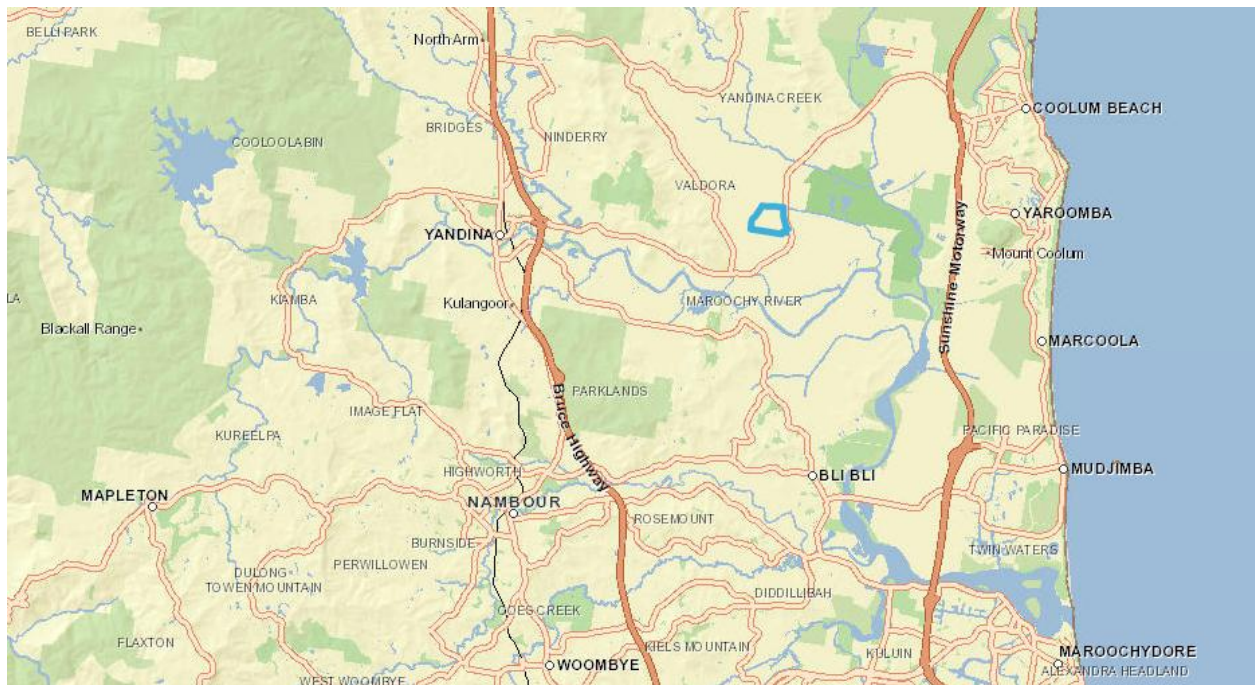
The table below provides a comparison between the two MCUs lodged for a solar farm on the subject land.

MCUs Comparison Table

	MCU14/0161 (Current)	MCU11/0030
Energy Output	15MW	10MW
Solar Panel Coverage	23.85ha	20ha
Solar Panels (total)	Not Specified	50,000
Vegetated Area	21.3ha	30ha
Solar Panel Design	Single Axis Tracking (east –west)	Fixed
Height above ground level	2.85m – 5.5m	Not Specified

Site Description

The site is located at 909 Yandina-Coolum Road, Valdora, and has a total site area of 49.25 hectares. The site has frontage to Yandina-Coolum Road of approximately 700 metres. Yandina-Coolum Road is a State Controlled Road and is the primary route between Yandina and Coolum.



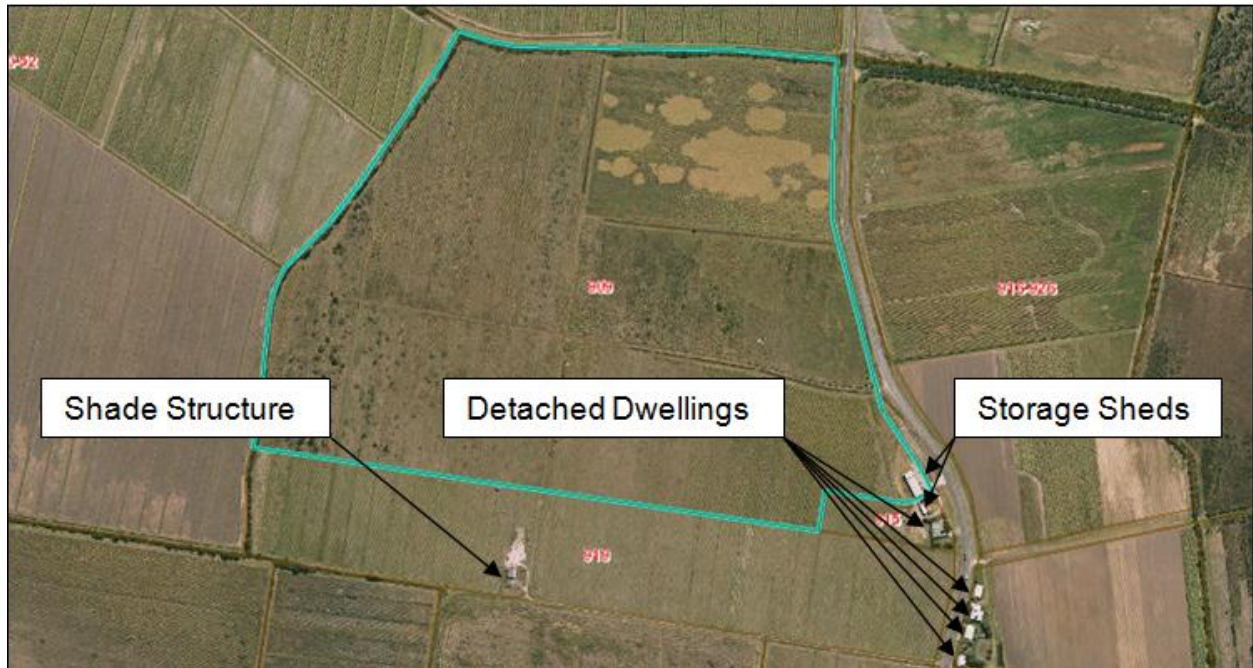
The following table identifies distances from the site to key locations.

Location	Distance	Direction
Maroochy CBD	12 Kilometres	South East
Yandina	6.4 Kilometres	West
Mount Coolum	4.6 Kilometres	East
Mount Ninderry	2.6 Kilometres	West

The site is characterised by low lying floodplain, which consists of cleared, disused agricultural land. The site is currently vacant (except for an existing shed which has a site area of approximately 390m²) and is not being used. The land has historically been used for a range of agricultural uses, predominately cropping (sugar cane).

There are existing watercourses defining the northern and western boundaries, which support slim corridors of significant riparian vegetation. The majority of the site is

characterised by regrowth vegetation that is 'not of concern', or by remnants of the existing use (sugar cane), groundsel and other weeds. The location of the subject site in relation to its surrounds is shown on the image below:



Surrounding Land Uses

Existing land uses immediately surrounding the site are rural and are primarily used for small scale grazing/cropping. Rural residential allotments are located on the lower slopes of Mount Ninderry and support a number of residential dwellings.

ASSESSMENT

The external independent assessor's assessment of the application is attached to this report (Appendix A).

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of State Development, Infrastructure and Planning (SARA)

The department is a concurrence agency as the proposal is within 25 metres of a State Controlled Road. The department responded by letter dated 1 April 2014 (Attachment 1) identifying support for the proposal subject to conditions.

Third Party

Energex

The application was referred to Energex for comment about connection of the facility into the Energex electricity network. The department responded by letter dated 21 November stating that Energex recommend that the project be approved.

Other Referrals

The application was forwarded to the following specialists:

- Cardno HRP (External Independent Assessor)

Their assessment forms the key attachment to this report.

Public Notification

The application was a Code Assessable under the Sunshine Coast Planning Scheme. Code assessable applications are not required to undertake public notification as specified under Section 295 of the *Sustainable Planning Act 2009*.

Community meetings regarding the proposal were held by the applicant and community members during the application process. No correspondence or submissions have been formally received.

CONCLUSION

The application seeks a Development Permit for a Material Change of Use (Renewable Energy Facility – Stage 1a and 1b). Technical assessment has been undertaken to address the relevant provisions of the Sunshine Coast Planning Scheme. The independent assessment undertaken by the external independent assessor has found that the proposal is consistent with the Sunshine Coast Planning Scheme.

Appendix A outlines the assessment of the proposal.

8.2 CORPORATE SERVICES**8.2.1 FEBRUARY 2015 FINANCIAL PERFORMANCE REPORT****File No:** Financial Reports**Author:** Acting Coordinator Financial Services
Corporate Services Department**Attachments:** Att 1 - February 2015 Financial Performance Report 69

PURPOSE

To meet Council's legislative obligations, a monthly report is to be presented to Council on its financial performance and investments.

EXECUTIVE SUMMARY

The monthly financial performance report provides Council with a summary of performance against budget at the end of each month in terms of the operating result and delivery of the capital program.

The operating result at 28 February 2015 shows a positive variance of \$11.1 million compared to the forecast position.

A significant proportion of this positive result is due to timing of expenditure, with current forecasts suggesting Council is on track to exceed the full year budgeted operating result. Achievement of the full year budgeted operating result will allow Council to meet its debt repayments and capital expenditure commitments.

The operating result variation is made up of higher than expected revenue of \$1.8 million (less than 1%), and lower than expected operating expenses of \$9.2 million (3.9%). Further detail is provided in the proposal section of this report.

As at 28 February 2015, \$70.4 million (48.2%) of Council's \$146.1 million 2014/2015 Capital Works Program was financially expended.

Council's investment portfolio remains within the guidelines established under the Investment Policy.

As this report is as at the end of February 2015, Budget Review 3 adjustments that were approved at the March 2015 Ordinary Meeting are not reflected in this report.

OFFICER RECOMMENDATION

That Council receive and note the report titled "February 2015 Financial Performance Report".

FINANCE AND RESOURCING

There are no finance and resourcing implications from this report.

CORPORATE PLAN

Corporate Plan Goal:	<i>A public sector leader</i>
Outcome:	5.2 - A financially sustainable organisation
Operational Activity:	5.2.2 - Ensure council's finances are well managed and systems are in place to analyse performance, generate revenue and reduce costs and manage contracts and contract performance

CONSULTATION

Internal Consultation

All departments or branches participated in the formation of the recommendations associated with this report.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

The operating result at 28 February 2015 shows a positive variance of \$11.1 million compared to the forecast position.

A significant proportion of this positive result is due to timing of expenditure, with current forecasts suggesting Council is on track to exceed the full year budgeted operating result. Achievement of the full year budgeted operating result will allow Council to meet its debt repayments and capital expenditure commitments.

This operating result variation is made up of higher than expected revenue of \$1.8 million and lower than expected operating expenses of \$9.2 million.

As this report is as at the end of February 2015, Budget Review 3 adjustments that were approved at the March 2015 Ordinary Meeting are not reflected in this report.

Operating Revenue

Net Rates and Utility Charges

The favourable variance of \$488,000 is mainly due to cleansing charges being higher than the year to date budget by \$338,000. An increase of \$275,000 to this item was included in Budget Review 3.

Fees and Charges

The \$1.6 million favourable variance in fees and charges is due to the following items being higher than the year to date budget by the amounts shown:

- Development application revenue \$1.5 million;
- Sunshine Coast Holiday Park revenue \$445,000. This is offset by additional commission paid being \$87,000 above the year to date budget;
- Change of ownership/search fees \$188,000.

The above favourable variances are offset by:

- Waste tip fees \$220,000 less than the year to date budget.

Adjustments for the above items were included in Budget Review 3.

Interest from Investments

Interest from investments has exceeded the year to date budget by \$528,000 due to higher than budgeted cash balances.

The effects of the increased cash were marginally offset by lower than budgeted interest rates.

An increase to this item of \$300,000 was included in Budget Review 3.

Operating Contributions

Operating Contributions have exceeded the year to date budget by \$224,000 mainly due to receipt of additional contributions from the Waste contractor for processed recyclables.

An increase to this item of \$300,000 was included in Budget Review 3.

Other Revenue

Other revenue has exceeded the year to date budget by \$724,000 and is due to the following positive variances:

Items impacting the year end forecast

- \$231,000 recoverable works higher than the year to date budget with offsetting costs;
- \$169,000 sale of recoverable waste material higher than the year to date budget;
- \$60,000 Commission – Emergency Management Levy has exceeded the full year budget;
- \$40,000 Payroll Tax refunds – no budget.

All of the above items have adjustments included in Budget Review 3.

Items relating to timing or requiring further monitoring

- \$80,000 contribution from contractors to the Waste education program;
- \$57,000 Rent/lease revenue relating to Council properties.

Operating Expenses**Employee Costs**

As at 28 February 2015, employee costs were below budget by \$2.6 million (3.3%).

The budget allows for a Certified Agreement increase but the actuals do not include this increase. A new Certified Agreement has not yet been finalised and it may contain a retrospective pay increase.

Materials and Services

As at 28 February 2015, materials and services costs were below budget by \$7.3 million or 7.5%.

Most year to date variances relate to timing or reactive budgets with some adjustments included in Budget Review 3. Year to date favourable variance amounts and details below:

- \$1.4 million timing of materials spend in Civil Asset Management;
- \$997,000 utilities including:
 - fuel \$579,000
 - electricity \$261,000
 - water & sewerage \$157,000
- \$985,000 reduced materials spend at Quarries offset by lower revenues;

- \$494,000 timing of environmental works including the Environment Levy program;
- \$430,000 Waste costs;
- \$421,000 maintenance of Council properties;
- \$325,000 timing of community grants and partnerships;
- \$323,000 timing of turf maintenance contract due to weather;
- \$263,000 timing of operating projects related to information technology;
- \$155,000 insurance claim expense;
- \$149,000 timing of Heritage Levy projects; and
- \$106,000 timing of library resource purchases.

A reduction of \$1.6 million in Materials & Services was included in Budget Review 3.

Capital Revenue

Capital revenues, at \$29.5 million, are higher than the year to date budget by \$5.1 million or 20.8%. This is mainly due to:

- Capital Contributions, at \$11.5 million, have exceeded the year to date budget by \$6.4 million and the full year budget by \$3.7 million. An increase of \$6.9 million has been included in Budget Review 3;
- Contributed assets, at \$13.3 million, are less than the year to date budget by \$2.7 million.

Capital Expenditure

As at 28 February 2015, \$70.4 million (48.2%) of Council's \$146.1 million 2014/2015 Capital Works Program was financially expended.

Detail by Capital Works Program is outlined below:

Program	Original Budget \$000	Current Budget \$000	YTD Actuals \$000	% of Annual Budget Spent	Commitments \$000
Buildings and Facilities	4,997	8,063	2,645	32.8	1,097
Coasts and Canals	2,070	2,671	961	36.0	259
Divisional Allocations	3,335	3,197	1,194	37.3	212
Environmental Assets	926	1,241	336	27.1	497
Fleet	1,290	1,290	207	16.1	554
Parks and Gardens	9,026	14,711	8,862	60.2	1,599
Stormwater	6,202	6,584	3,598	54.6	765
Transportation	47,286	50,693	26,181	51.6	6,267
Information Technology	2,768	4,034	1,537	38.1	410
Strategic Land & Commercial Properties	18,751	26,737	12,454	46.6	4,263
Aerodromes	581	912	315	34.6	172
Sunshine Coast Airport	5,148	5,741	1,772	30.9	433
Holiday Parks	1,158	2,119	972	44.4	131
Quarries	1,950	2,204	371	16.8	52
Waste	8,403	15,942	9,004	56.5	2,100
TOTAL COUNCIL	113,892	146,140	70,379	48.2	18,809

\$4.0 million of the Current Budget amount of \$146.1 million was carried forward to 2015/2016 in Budget Review 3. The YTD Actuals plus Commitments of \$89.2 million is 62.8% of the amended full year budget.

Investment Performance

- All investment parameters remain within the guidelines established by the Investment Policy.
- For the month ending 28 February 2015 Council had \$303 million cash (excluding Trust Fund) with an average interest rate of 3.34%, being 0.60% above benchmark. This is compared to the same period last year with \$268 million cash (excluding Trust Fund) where the average interest rate was 3.63%, being 1.00% above benchmark.
- The benchmark used to measure performance of cash funds is the UBS Bank Bill Index and the Bank Bill Swap Rate (BBSW) for term deposits.

Legal

This report ensures that Council complies with its legislative obligations with respect to financial reporting in accordance with Section 204 of the *Local Government Regulation 2012*.

Investment of funds is in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated Regulations and the *Local Government Act 2009*.

Policy

Council's 2014/2015 Investment Policy.

Risk

There are no known current material financial risks currently impacting on this monthly report.

Failure to achieve the budgeted operating result will negatively impact Council's capacity to complete its capital expenditure program.

Previous Council Resolution

Special Meeting Budget 26 June 2014, Council adopted the 2014/2015 budget (Council Resolution SM14/24)

That Council:

- receive and note the report titled "Adoption of the 2014/2015 Budget and Forward Estimates for the 2015/2016 to 2023/2024 Financial Years"*
- adopt the 2014/2015 Capital Works Program, endorse the indicative four-year program for the period 2015/2016 to 2018/2019, and note the five-year program for the period 2019/2020 to 2023/2024 (Appendix A) and*
- adopt the 2014/2015 Budget Schedules (Appendix A) including Forward Estimates.*

Ordinary Meeting 24 July 2014 - Council Resolution OM 14/100

That Council:

- receive and note the report titled "May 2014 Financial Performance Report" and*
- amend the 2014/2015 Budget by increasing the Strategic Land Capital Program by the amount of \$450,000 to accommodate the requirements of the Council resolution OM14/82.*

Ordinary Meeting 18 September 2014, Council adopted the Budget Review 1 2014/2015 – Council Resolution OM 14/131

That Council:

- (a) *receive and note the report titled “**Budget Review 1 2014/15**” and*
- (b) *adopt the amended 2014/15 Budget Financial Statements to include the identified operating and capital budget adjustments (Appendix A).*

Ordinary Meeting 11 December 2014, Council adopted Budget Review 2 2014/2015 Council Resolution OM 14/173

That Council:

- (a) *receive and note the report titled “Budget Review 2 2014/2015” and*
- (b) *adopt the amended 2014/2015 Budget Financial Statements to include the identified operating and capital budget adjustments (Appendix A).*

Ordinary Meeting 29 January 2015, Council Resolution (OM15/2)

That Council:

- (a) *receive and note the report titled “November 2014 Financial Performance Report’ and*
- (b) *write-off unrecoverable income of \$172,711 GST exclusive (\$189,982.14 GST inclusive) in relation to Australian Aviation Career Services (AACS).*

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

8.2.2 PONTOON/WATERWAY LEASES - LAKE KAWANA, BIRTINYA

File No:	Asset Management/Leasing Out	
Author:	Senior Property Officer Corporate Services Department	
Attachments:	Att 1 - Lake Kawana Birtinya - Quay Line Plan	85
	Att 2 - Excerpt - Rental Assessment Report for Proposed Leases	89
	Att 3 - Lake Management Plan Excerpt	93

PURPOSE

This report is seeking Council approval to enter into pontoon/waterway leases for private structures within approved quay lines on Lake Kawana Birtinya as per the requirements of the Lake Kawana Birtinya Lake Management Plan.

EXECUTIVE SUMMARY

Council currently either manages or owns a number of non-tidal lakes (e.g. Parrearra Lake Reserve and Pelican Waters Northern Lake) that contain private infrastructure such as pontoons, jetties and decks. Council's management of these lakes is undertaken under the requirements of the Lake Management Plan endorsed by Council for each lake.

A plan of Lake Kawana Birtinya, including the nominated quay lines for the lake, is shown attached (Attachment 1).

On 2 October 2008, Council endorsed the Lake Kawana Birtinya Lake Management Plan in accordance with the obligations of the Kawana Waters Development Agreement. The Lake Kawana Birtinya Lake Management Plan is intended to guide the management of the lake which is broadly categorised into two (2) components:

- Management of activities on the lake; and
- Maintenance of the lake's infrastructure.

As per the requirements of the endorsed Lake Kawana Birtinya Lake Management Plan, private structures such as pontoons and platforms with ladders are permitted in sections of the Lake containing nominated quay lines and only under designs approved (see excerpt – Attachment 3).

The development of Birtinya Island by Stockland Kawana Waters Pty Ltd is progressing and now includes a number of residential allotments adjacent to the waterway forming the southern loop of the lake (referred to as the western waterway) and which are provided with quay lines. A number of the owners of these adjoining allotments are now seeking permission to construct private pontoons within the waterway.

The first stage only of western waterway of Lake Kawana Birtinya (i.e. Lot 100 SP218711) was recently transferred into Council's name, under a nomination of trust for 'sport and recreation purposes'.

Property Management Branch, together with Council's Legal Services Branch, has prepared a 'standard terms' lease document to be used for the leases proposed in Lake Kawana Birtinya.

As per Clause 8.6 of the lease prepared for private pontoon/waterway structures on Lake Kawana Birtinya, *'The Lessee shall repair or pay to the Lessor any costs incurred by the Lessor in repairing any damage arising out of or by reason of a breach by the Lessee of this Lease or the use of the Premises by the Lessee or the Lessee's Associates, including to any revetment wall.'*

Herron Todd White was engaged to undertake a rental assessment report for the proposed leases (see excerpt – Attachment 2).

Accordingly, Council's approval is sought to enter into leases with the owners of land in those sections of Lake Kawana Birtinya that contain nominated quay lines, subject to (b), (c) and (d) below.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Pontoon/Waterway Leases - Lake Kawana, Birtinya"
- (b) approve the issue of leases for private structures to owners of land within those sections of Lake Kawana Birtinya that contain nominated quay lines and as per the requirements of the Lake Kawana Birtinya Lake Management Plan excerpt
- (c) resolve, pursuant to Section 236(2) of the *Local Government Regulation 2012*, that an exception under Section 236(1)(c)(iv) applies to the leases proposed in (b) above, thus allowing Council to dispose of an interest in land to property owners adjoining those sections of Lake Kawana Birtinya that contain nominated quay lines other than by tender or auction and
- (d) approve the initial annual lease fee of \$7.50 per square metre of surveyed lease area with a minimum charge of \$150 (plus GST) for private structure leases as stated in (b) above.

FINANCE AND RESOURCING

All costs associated with the implementation and registration of the proposed pontoon/waterway leases on Lake Kawana Birtinya will be funded by proposed lessees.

A rental assessment report for the proposed lease sites was obtained from Herron Todd White on 26 August 2013. The rental assessment obtained recommends lease rent at the rate of "\$7.50 per square metre per annum of surveyed area with a minimum charge of \$150 per annum GST exclusive".

Currently, Property Management Branch is aware of one (1) only adjoining property owner who is interested in making an application for lease. Therefore, if approval to enter into the proposed leases is granted by Council, revenue of \$150 only is anticipated for 2015-16. Currently, revenue received from lease rent is credited to general revenue.

CORPORATE PLAN

- Corporate Plan Goal:** *An enviable lifestyle and environment*
- Outcome:** 3.2 - Well-managed and maintained open space, waterways and foreshore assets
- Operational Activity:** 3.2.4 - Manage the region's high quality urban and rural open space network

CONSULTATION

Internal Consultation

Information and advice relating to the Lake Management Plan and proposed pontoon/waterway leases has been obtained from Major Urban Developments Branch.

Major Urban Developments Branch advises that the Lake Management Plan broadly identifies the allowable quay lines for Lake Kawana. As part of this master plan process, refinement of these quay lines ensures that any potential conflicts between lake uses and pontoons are mitigated. It should be noted that quay lines for both Eastbank and Entrance Island have already been approved, with adjacent land in third party ownership. In this instance, the requirement for a 50 metre clearance is not required as part of the approved Lake Management Plan and is considered an impractical requirement given the general width of Lake Kawana (generally between 120 m - 150m).

Legal Services are satisfied that the exemption from going to tender or auction applies under the Local Government Regulation 2012. They advise that in their opinion the exception under Section 236(1)(c)(iv) can be applied as it meets the criteria set out therein including the fact that it is a lease to the adjoining owner and in such a location that it would not be in the public interest to proceed by tender or auction as it would be simply impractical and unnecessarily burdensome.

As per Section 5.0 (d) of the Lake Kawana Birtinya Lake Management Plan, *“Use of the lake (including the rowing course) is open to the public, providing that the lake and/or rowing course is not being used for a programmed/ scheduled event by Council.”* Community Services' Major Venues Team currently manages recreational activities on the Lake in accordance with Council's sport and recreation objectives. It should be noted that Stockland is responsible for the ongoing maintenance and operation of the majority of the lake system.

Community Services' Major Venues Team has been consulted in relation to the proposed pontoon/waterway leases within the Lake Kawana Birtinya Lake Management Plan's approved quay lines. The Major Venues Team has confirmed that they are satisfied that they have considered all possible impacts on Lake Kawana and that there are none that will hinder event operations. Major Venues Team members have engaged with the Lake's user groups and advised that these groups are satisfied with the proposed leases as long as the racing course is not impacted.

External Consultation

Stockland, on behalf of an adjoining property owner, has requested Council to consider entering into Pontoon/ Waterway Leases on Lake Kawana as soon as possible.

Community Engagement

There has been no community engagement undertaken in relation to this report.

PROPOSAL

Council currently manages or owns a number of non-tidal lakes (e.g. Parrearra Lake Reserve and Pelican Waters Northern Lake) that contain private infrastructure such as pontoons, jetties and decks. Council's management of these lakes is undertaken under the requirements of the Lake Management Plan endorsed by Council for each lake.

Lake Kawana Birtinya forms part of Development Lease No. 2 granted to Stockland Kawana Waters Pty Ltd under the provisions of the *Land Act 1994*. The lake is an artificial, non-tidal lake intended for the use of the community, generally, and also for specific, non-motorised, aquatic events subject to permitted uses and constraints outlined in the Lake Kawana Birtinya Lake Management Plan. A plan of Lake Kawana Birtinya, including the nominated quay lines for the lake, is shown attached (Attachment 1).

On 2 October 2008, Council endorsed the Lake Kawana Birtinya Lake Management Plan in accordance with the obligations of the Kawana Waters Development Agreement. The Lake Kawana Birtinya Management Plan is intended to guide the management of the lake which is broadly categorised into two (2) components:

- Management of activities on the lake and
- Maintenance of the lake's infrastructure.

As per the requirements of the endorsed Lake Kawana Birtinya Management Plan, private structures such as pontoons and platforms with ladders are permitted in sections of the Lake containing nominated quay lines and only under designs approved.

The development of Birtinya Island by Stockland Kawana Waters Pty Ltd is progressing and now includes a number of residential allotments adjacent to the waterway forming the southern loop of the lake (referred to as the western waterway) and which are provided with quay lines. A number of the owners of these adjoining allotments have enquired on the process required to construct private pontoons within the waterway.

The first stage only of western waterway of Lake Kawana Birtinya (i.e. Lot 100 SP218711) was recently transferred into Council's name under a nomination of trust for 'sport and recreation purposes'.

Property Management Branch, together with Council's Legal Services Branch, has prepared a 'standard terms' lease document to be used for the leases proposed in Lake Kawana Birtinya. As per Clause 8.6 of the lease prepared for private pontoon/waterway structures on Lake Kawana Birtinya, *'The Lessee shall repair or pay to the Lessor any costs incurred by the Lessor in repairing any damage arising out of or by reason of a breach by the Lessee of this Lease or the use of the Premises by the Lessee or the Lessee's Associates, including to any revetment wall.'*

Herron Todd White was engaged to undertake a rental assessment report for the proposed leases (see excerpt – Attachment 2).

Accordingly, Council's approval is sought to enter into leases with the property owners adjoining those sections of Lake Kawana Birtinya that contain nominated quay lines, subject to the following:

1. resolve, pursuant to Section 236(2) of the *Local Government Regulation 2012*, that an exception under Section 236(1)(c)(iv) applies to the leases proposed in (b) above, thus allowing Council to dispose of an interest in land to property owners adjoining those sections of Lake Kawana Birtinya that contain nominated quay lines other than by tender or auction;
2. all private structures proposed within the approved lease sites meeting the design plans approved in the Lake Kawana Birtinya Lake Management Plan (as amended);
3. leases being issued under 'standard term' lease documents (prepared by Council's Legal Services Branch);

4. annual lease rent to be issued as per the rental assessment report prepared by Herron Todd White on 26 August 2013, i.e. the first year's lease rent assessed as \$7.50 per m² with a minimum annual fee of \$150 (plus GST).

Legal

Legal Services are satisfied that the exemption from going to tender or auction applies under the *Local Government Regulation 2012*. Legal Services advise that in their opinion the exception under Section 236(1)(c)(iv) can be applied as it meets the criteria set out therein including the fact that it is a lease to the adjoining owner and in such a location that it would not be in the public interest to proceed by tender or auction as it would be simply impractical and unnecessarily burdensome.

Policy

There are no policy implications associated with this report.

Risk

As per Clause 8.6 of the lease prepared for private pontoon/waterway structures on Lake Kawana Birtinya, *'The Lessee shall repair or pay to the Lessor any costs incurred by the Lessor in repairing any damage arising out of or by reason of a breach by the Lessee of this Lease or the use of the Premises by the Lessee or the Lessee's Associates, including to any revetment wall.'*

Advice received from Legals indicates that a lessor cannot stipulate in a lease what someone does on land that is not the leased area to which the lease refers. If/when lessees enter the lake beyond their lease site they are then governed by whatever it is that regulates other users of the lake, in this case the endorsed Lake Management Plan.

Previous Council Resolution

On 2 October 2008, Council endorsed the Lake Kawana Birtinya Lake Management Plan which includes leasing requirements for private pontoons and platforms with ladders (which must be designed and constructed in accordance with the approved design plans as shown in the Lake Kawana Birtinya Lake Management Plan – as amended on 2 July 2013).

19 June 2008 - (SPC) Item 4.1.7 - Lake Kawana - Lake Management Plan

Council Resolution (OM08/74)

That Council approve the draft Land Management Plan for Lake Kawana for purposes of public consultation and for submission to the Department of Natural Resources & Water in accordance with the requirements of the Land Act 1994, subject to the following conditions:

1. *the Master Developer is to undertake Community Consultation for the draft Lake Kawana - Birtinya Lake Management Plan in accordance with the requirements stipulated in Section 6.0 of the draft Lake Kawana - Birtinya Lake Management Plan; and*
2. *the Quay line plan (Appendix B of the Lake Management Plan) is to be amended to remove the indicative Quay Line from the western side of the main rowing/kayak course (i.e. the eastern side of Birtinya Residential Area).*
3. *Further, that staff be requested to bring a further report to Council in relation to funding options for future maintenance costs which will be incurred in relation to the lake in time for the 2009/2010 budget.*

2 October 2008 - (SPC) Item 4.2.1 – LAKE KAWANA - LAKE MANAGEMENT PLAN**Council Resolution** (OM08/262)

That Council:

- (a) *approve the draft Land Management Plan for Lake Kawana, as included as Attachment 3, for submission to the Department of Natural Resources & Water in accordance with the requirements of the Land Act 1994 and the Kawana Waters Development Agreement 1996 subject to the inclusion of Attachment 4 (Conditions of Kawana Waters Structure Plan Approval related to Lake Kawana);*
- (b) *delegate to the Chief Executive Officer the authority to approve Appendices A–H of the draft Lake Management Plan for submission to the Department of Natural Resources & Water in accordance with the requirements of the Land Act 1994 and the Kawana Waters Development Agreement 1996; and*
- (c) *note that there will be a report presented to Council at its meeting in November 2008 which will indicate both ongoing annual maintenance costs and end of life replacement costs of the infrastructure and provide Council with financial options to recover the maintenance and management costs for the infrastructure.*

Related Documentation

Lake Kawana Birtinya Lake Management Plan – endorsed by Council on 2 October 2008 and amended on 2 July 2013.

Rental Assessment Report – prepared by Herron Todd White on 26 August 2013.

Critical Dates

There are no critical dates relevant to this report.

Implementation

Council's Property Management and Legal Services Branches have been actively involved regarding these proposed leases. Proposed leases will be implemented under 'standard terms' documentation prepared by Legal Services and managed by Property Management Branch.

8.2.3 EXCEPTION UNDER THE LOCAL GOVERNMENT REGULATION 2012 - PROPOSED LEASES TO COMMUNITY ORGANISATIONS

File No:	CLE000
Author:	Senior Property Officer Corporate Services Department
Appendices:	App A - Exception for 2015 107

PURPOSE

The purpose of this report is to seek an exemption from the tender/auction process from Council to allow community leases to be entered into for 30 sites (**Appendix A**) in accordance with the *Local Government Regulation 2012* (Regulation).

This report only seeks Council approval to dispose of the identified land to community groups through leases. It does not request Council approval to grant any lease to any specific community group. The identification of specific community group lessees will be determined in consultation with the divisional Councillor and Council operational areas.

EXECUTIVE SUMMARY

The Regulation provides that a local government may only dispose of an interest in land (including leases to community organisations) by a tender/auction process, unless an exception applies. Disposal to a community organisation is considered an exemption. Section 236(2) provides that a local government must decide by resolution that an exception applies.

A resolution that an exception under section 236(2) applies to the sites will allow community leases to be entered into without the need to engage in a tender or auction process.

There will be the normal consultation process with the divisional Councillor and Council operational areas, for each of the lease sites prior to the issue or renewal of any leases over the 30 nominated sites.

The requirements of council's "Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy" will be applied in the determination of successful lessees.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Exception under the *Local Government Regulation 2012* – Lease Renewals to Community Organisations"
- (b) resolve, pursuant to section 236(2) of the *Local Government Regulation 2012*, that an exception under section 236(1)(b)(ii) applies to the 30 proposed lease sites listed at Appendix A, thus allowing Council to dispose of an interest in land to community organisations other than by tender or auction and
- (c) note that implementation of (b) will include consultation with the relevant divisional councillor and council operational areas.

FINANCE AND RESOURCING

There are no financial or resourcing impacts relating to this matter.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S5 - Community venues - providing, managing and administering the hiring and leasing of community and cultural venues including The Events Centre and other performance venues

CONSULTATION

Internal Consultation

Advice and direction in relation to the exemption provisions of the Regulation has been received from the Manager Procurement and Contracts and Solicitor Legal Services.

External Consultation

Due to the internal administrative nature of this report there has been no external consultation undertaken.

Community Engagement

Due to the internal administrative nature of this report there has been no community engagement undertaken. Community organisations across the region will however be engaged, should this exemption be granted by Council.

PROPOSAL

This report only seeks Council approval to dispose of the identified land to community groups through leases. It does not request Council approval to grant any lease to any specific community group. The identification of specific community group lessees will be determined in consultation with the divisional councillor and council operational areas.

The Regulation provides the process by which a local government may dispose of valuable non-current assets, which include land or an interest in land (e.g. leasing of land and/or buildings). It provides that a valuable non-current asset may only be disposed of by tender or auction, unless an exception applies. One such exception is where the disposal is to a community organisation. A community organisation is defined as an entity that carries on activities for a public purpose or another entity whose primary objective is not directed at making a profit.

For the exception to apply, a local government must decide by resolution in accordance with section 236(2) that the exception may apply.

Council has approximately 210 separate tenure arrangements with community organisations, such as sporting, recreational and community groups who occupy and use council owned or managed land. A resolution that an exception under section 236(2) applies to the 30 sites will allow community leases to be entered into without the need to engage in a tender or auction process. Engagement with Councillors, council operational areas and prospective lessees will commence upon receipt of an approved Council resolution.

The leases will be in accordance with the previously Council approved standard community lease.

The requirements of council's "Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy" will be applied in the determination of successful lessees.

Legal

Legal Services has been consulted on this matter and agree with the proposal to seek exceptions for this category of leases i.e. renewal of leases to community organisations.

Policy

This request is in accordance with the following Council policies:

- "Procurement Policy" and
- "Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure".

Risk

No current lessee has a right to continue, however community groups currently occupying the land may perceive they have an automatic right of renewal.

Previous Council Resolution

Ordinary Meeting 24 July 2014 – Council Resolution (OM 14/98)

That Council:

- (a) receive and note the report titled "**Exception under Local Government Regulation 2012 - Lease Renewals to Community Organisations**" and*
- (b) resolve that an exception under Section S236(1)(b)(ii) of Local Government Regulation 2012 applies to the 45 proposed lease sites listed at Appendix A, thus allowing Council to dispose of an interest in land to community organisations other than by tender or auction.*
- (c) note that implementation of (b) will include consultation with the relevant divisional councillor and council operational areas.*

Related Documentation

There is no other documentation relevant to this report.

Critical Dates

While there is no specific critical date, Council is required to comply with the Regulation to enable the renewal of any leases to community organisations.

Implementation

Engagement with Councillors, Council operational areas and prospective lessees will commence upon receipt of an approved Council resolution.

8.2.4 NAMBOUR HERITAGE TRAMWAY FEASIBILITY ASSESSMENT REPORT

File No:	Financial Management
Author:	Manager Finance Corporate Services Department
Attachments:	Att 1 - C Change Feasibility Assessment Report (<i>Under Separate Cover</i>) Att Pg 239 Att 2 - Nambour Heritage Tramway Group Presentation 119

PURPOSE

This Report is in response to the Nambour Heritage Tramway Issues Paper Report resolution of Council (OM14/18), to have due diligence assessment carried out considering the financial viability of the Nambour Heritage Tramway project.

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 27 February 2014, Council passed a resolution to provide in-principle support to establish the Nambour Heritage Tramway, pending further advice regarding the financial and legacy implications of the operations. Following from this action Council appointed C Change Sustainable Solutions Pty Ltd, together with Ranbury Pty Ltd, to further investigate the likely costs, revenues, benefits and risks associated with the establishment of the Tramway.

The consultancy assumed a governance model whereby Council was the owner of the tram and associated infrastructure.

The consultancy:

- determined the financial feasibility associated with the introduction of the Tramway
- completed a cost benefit analysis of the operation
- analysed the economic and social impacts associated with the Tramway operation
- completed a risk assessment including any legacy implications for Council

Financial feasibility assessments were completed using a discounted cashflow technique over a 30 year period.

The financial feasibility and cost benefit analysis tested a number of scenarios:

1. Base Case Scenario, which included a 5 day service and commercial costs
2. Extended Operation Scenario, which included a 6 day service and commercial costs
3. Base Case Scenario as per Scenario 1 with allowance for in-kind works and volunteer time
4. Extended Operation Scenario as per Scenario 2 with allowance for in-kind works and volunteer time

None of the scenarios tested returned a financially feasible result, and the investment required from Council to make the operation feasible would be considerable, even for the least demanding scenario.

Under the scenarios it was identified that Council would be required to contribute approximately \$3.1 million for initial capital costs, coupled with ongoing operational costs.

Council would be required to input between \$4.2 million to \$9.6 million over a 30 year period if full cost recovery were assumed. The report found that given the magnitude of the costs versus revenues, the overall outcome of the assessment remained financially unfeasible.

The Nambour Heritage Tramway poses significant challenges such as the acquisition of land, traffic management at existing signalled intersections and the safety demands of having a mid-location stop in the centre of a busy road.

The consultancy analysed the economic and social impacts associated with the Tramway operation. A number of potential benefits include:

- Potential to assist in strengthening the identity and uniqueness of Nambour
- Potential to create a point of difference
- Better access to goods and services and increased expenditure in the Nambour centre

The report also identified potential risks and negative impacts, including:

- Tram route too short and not interesting enough
- No firm commitment from Coles or Aldi to allow for tram patrons to access their carparks
- Tram unlikely to be a catalyst for future redevelopment
- Potential safety related issues including passengers, pedestrians and motor vehicles
- Longevity of the project regarding volunteer availability

As part of the assessment of the Feasibility Nambour Heritage Tramway a community survey was conducted. Consultants conducted the survey over a 3 day period September 2014 in the Nambour activity centre and a total 60 responses were obtained.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Nambour Heritage Tramway Feasibility Assessment Report”**
- (b) note the Feasibility Analysis of the Nambour Heritage Tramway report**
- (c) support Tramway Governance Option F identified in the report, whereby the Nambour Heritage Tramway Group is responsible for the purchase / build of the tram and associated buildings and upgrading the tram tracks; with the Nambour Heritage Tramway Group as the Infrastructure Manager and Rail Transport Operator and operator of the tramway and is responsible for all assets and liabilities, with Sunshine Coast Council the land owner**
- (d) provide support to the Nambour Heritage Tramway Group to obtain necessary accreditation as an infrastructure manager and rail transport operator and continue to provide expert support and advice and**
- (e) request the Chief Executive Officer to provide a report back to council on land acquisition and associated costs.**

FINANCE AND RESOURCING

This project does not have any funding identified under Council's current or future works budget.

The external consultancy cost \$50,000 and was funded from the Division 10 Councillor discretionary funds.

Depending on Council decision, any cost of land acquisition and associated costs would require a report back to council.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*
Outcome: 2.3 - Culture, heritage and diversity are valued and embraced
Operational Activity: 2.3.2 - Conduct further due diligence assessment for the Nambour heritage tramway

CONSULTATION

Internal Consultation

- Divisional Councillor
- Transport and Infrastructure Policy Branch
- Procurement & Contracts Branch
- Strategic Discussion Forum 8 December 2014
- Strategic Discussion Forum 23 March 2015

Community Engagement

- Members of the Nambour Heritage Tramway Group
- Nambour Alliance
- Nambour community survey. Consultants conducted the survey over a 3 day period September 2014 in the Nambour activity centre and a total 60 responses were obtained. 77% (46 people) indicated a high level of enthusiasm for the introduction of the Nambour Heritage Tram. 30% (18 people) indicated they would be willing to provide volunteer time to assist with the operation of the Tram.

PROPOSAL

At the Ordinary Meeting of Council on 13 December 2012 Council resolved that a report, including an Issues Paper, be presented to Council regarding the development of the Nambour Tramway utilising the existing heritage-listed sugar cane locomotive line.

The resolution made reference to *community aspirations and limitations*. To this end the local councillor invited persons from the local business community and other organisations to form an interest group to canvass community opinions and to discuss and consider the options. The Nambour Heritage Tramway Group was formed at a meeting on 13 March 2013.

At the Ordinary Meeting of Council on 27 February 2014 the Nambour Heritage Tramway Issues Paper was presented. Council resolved to have further due diligence assessment carried out considering:

- (i) detailed costings, including asset condition reports of existing infrastructure and rolling stock
- (ii) funding sources
- (iii) cost-benefit / financial viability analysis
- (iv) Council's legal and financial liability

- (v) extent of community capacity and capability to support the project in terms of volunteers, sponsorship and funding from all sources and potential legacy implications for Council

Following from the Ordinary Meeting of Council on 27 February 2014, Council appointed C Change Sustainable Solutions Pty Ltd, together with Ranbury Pty Ltd to further investigate the likely costs, revenues, benefits and risks associated with the establishment of the Tramway.

The consultancy:

- determined the financial feasibility associated with the introduction of the Tramway
- completed a cost benefit analysis of the operation
- analysed the economic and social impacts associated with the Tramway operation
- completed a risk assessment including any legacy implications for Council

Financial feasibility assessments were completed using a discounted cashflow technique over a 30 year period.

The financial feasibility and cost benefit analysis tested a number of scenarios:

1. Base Case Scenario, which included a 5 day service and commercial costs
2. Extended Operation Scenario, which included a 6 day service and commercial costs
3. Base Case Scenario as per Scenario 1 with allowance for in-kind works and volunteer time
4. Extended Operation Scenario as per Scenario 2 with allowance for in-kind works and volunteer time.

None of the scenarios tested returned a financially feasible result, and the investment required from Council to make the operation feasible would be considerable.

The concept assessed assumed the following:

- The Nambour Heritage Tramway would generally utilise the existing heritage listed sugar cane line along Howard Street and Mill Street.
- The Tramway would carry passengers between two points, with one intermediate stop. One destination would be adjacent to Coles Supermarket on the corner of 9 Mill Street (western end of the line). The other destination would be the old Moreton Mill marshalling yards, adjacent to the Aldi Supermarket (eastern end of the line). The intermediate stop would be at a safe distance from the Howard Street / Sydney Street intersection.
- The extent of the line is approximately 900 metres.
- To ensure safe and effective functioning, the following works would be required:
 - Extension of the existing track to access the new depot site in the old marshalling yards site and the proposed western terminus adjacent to the Coles shopping centre.
 - New terminus stations at each end, including short low level platforms and weather awnings, and an information kiosk at the western terminus.
 - A new storage and maintenance depot located in the old marshalling yards site.
 - Property acquisition would be required at both ends of the track for the terminus stations and the depot.
 - The base concept provides for minimal track work for a single tram operation only.

- A ticket office/tourist information kiosk is proposed at the western terminus. Tickets would also be able to be purchased on board from the driver.
- The Tram would be electric powered, with battery recharging from a solar power system located in the depot.
- The theme would be 'historic' and ensure that practicality, safety and access requirements were strictly adhered to.
- Operations of the Tramway would be based on a half hourly round trip. It is assumed that the Tramway would operate at least 5 days a week on weekdays, with the option to operate on a Saturday morning as well.

Scenarios Tested

The Nambour Heritage Tramway Group indicated that they expected the establishment of The Tramway to include considerable in-kind support from a range of people. In addition to the service being run primarily by volunteer staff, community members with skills in (but not limited to) building, maintenance, promotion were also likely to provide in-kind support to the venture. To ensure that Council has a complete picture of the overall costs associated with such a venture, as well as taking into account the potential for volunteer and in-kind support, the financial feasibility and the cost benefit analysis tested a number of scenarios. These included:

- **Scenario 1:** Base Case Scenario, which included a 5 day service and commercial costs
- **Scenario 2:** Extended Operation Scenario, which included a 6 day service with commercial costs.
- **Scenario 3:** Base Case Scenario as per Scenario 1, with allowance for in-kind works and volunteer time
- **Scenario 4:** Extended Scenario as per Scenario 2, with allowance for in-kind works and volunteer time.

None of the scenarios tested returned a financially feasible result, and the investment required from Council to make the operation feasible would be considerable:

- If full cost recovery was assumed, then Council would be required to input between \$4.2 million (where substantial in-kind services were provided) to \$9.6 million (where no in-kind services provided) over the 30 year period.
- If capital costs were assumed to be sunk, the annual subsidy that would be required by Council would be between \$97,000 (where substantial in-kind services were provided) to \$494,000 per annum (where no in-kind services were assumed).

Sensitivity testing was performed using various discount rates plus scenarios where revenues were varied. Given the magnitude of the costs versus revenues, the overall outcome of the assessment remained financially unfeasible.

Members of the Nambour Heritage Tramway Group presented a fifth scenario at the Strategic Discussion Forum on 23 March 2015. The fifth scenario returned an annual operating surplus over the analysis period. There are significant risks associated with the Nambour Heritage Tramway Group developed fifth scenario. The risks include:

- Obtaining 986 paying customers using the tram each and every week of the analysis period
- Operating the tram as a 7 day a week service
- Full fare customers paying \$2 one way tram trip
- Obtaining 200 customers each and every year willing to pay for an annual tram pass
- Capital contribution of \$2.074 million to be funded by Council contributions, corporate

- sponsorship, community funding, grant and philanthropic donations
- Reliance upon substantial community support based on 77% of the 60 respondents (46 people) to the consultants community survey
- Reliance upon approximately \$40,000 of private sponsorship and advertising as revenue every year of the analysis period
- Cashflow statement includes \$2.074 million inflow in year 1 to be cashflow positive (if presumed cash provided by Council is not allowable under the Local Government Act).

Social and Economic Benefits Summarised

A social and economic impact assessment was also conducted for the study. A list of potential benefits from the venture include:

- The potential to assist in strengthening the identity and uniqueness of Nambour. This could lead to improved community pride, visitation and expenditure in Nambour.
- The potential to create a point of difference for functions and events in Nambour, which is in line with the Nambour Alliance vision. This would assist in providing activities / events for children, young adults, aging people and the general public.
- Better access to goods and services, particularly for older people, which is a large component of the Nambour demographic.
- Increased expenditure in the Nambour centre and the broader Sunshine Coast Region.
- Opportunities for workers and visitors to park in the Coles and Aldi car parks and use the tram to access other parts of Nambour (assuming Coles and Aldi are willing to share parking).
- The Tramway could be a catalyst for further redevelopment opportunities and other activities and businesses. Beautification works and a stronger economic foundation for Nambour based on increased visitors and expenditure could also lead to increased employment opportunities and the potential to develop other businesses.
- More recreational opportunities and activities can lead to better health outcomes and the opportunity for the rail/tram enthusiasts to share their knowledge and skills.
- More tourists to Nambour and Sunshine Coast generally. More visitors, increased expenditure - on Tramway and related products as well as other shops.

Potential Negative Impacts and Risks

There are also potential risks and negative impacts associated with the operation if it was to proceed. These include:

- People thinking that the Tram's route is too short or not interesting enough to use, and therefore the assumed patronage and visitation to the centre used in these assessments may not eventuate.
- There is no firm commitment from Coles or Aldi on whether they would permit shared access to their carparks for Tram patrons. Discussions with Coles and Aldi would be required to ensure that this could be facilitated. Should Coles and Aldi not allow the car parks to be used, potential ridership of the Tramway is likely to decrease.
- There is a need to ensure that the image the Tramway provides for Nambour is one that is conducive to the ongoing development of Nambour.
- If the Tramway is not sufficient to attract and sustain more visitors as assumed in the assessments here, then expenditure is unlikely to increase and the Tram is unlikely to be a catalyst for redevelopment or increased expenditure in Nambour.
- There is the potential for safety related tram incidents arising from its on-road operation. The Rail Infrastructure Manager and the Rolling Stock Manager will need to ensure that all staff members are adequately trained, and that there is community education associated with the Tram. This may be problematic with a small workforce and/or longer term reliance on volunteer support.

- The Depot and information centre would need to be adequately secure to ensure they don't attract graffiti or unwanted behaviour. Costs associated with security have been included in the assessments.
- Depending on the popularity of the tramway, and the available time of people, volunteering required to operate the tramway system may not be present over the longer term. If that is the case, longevity of the operation is questionable.
- Increased revenue and the benefits expected from the economic impact assessment may not result if visitation does not increase, or people do not use the tram as expected.

Another legacy implication to Council is associated with the risk of the volunteer base declining and the Rolling Stock Operator not being able to keep operations running. In this situation there is the potential that Council will have to 'take over' operations. If this was the case there may be an expectation in the community for Council to continue the operation of at least the Information Centre, if not the Tramway itself. To determine whether it was strategically beneficial for Council to continue the operations, the overall ongoing subsidy required to operate the Tram and/or the regional benefits of the Tram would need to be weighed against the opportunity cost of Council spending the required subsidy elsewhere in the Region.

Council would be required to contribute approximately \$3.1 million for initial capital costs, coupled with ongoing operational costs. Council would be required to input between \$4.2 million to \$9.6 million over a 30 year period if full cost recovery were assumed. The report found that given the magnitude of the costs versus revenues that the overall outcome of the assessment remained financially unfeasible.

Tramway Governance Models

Officers have considered a range of governance models appropriate for this project.

Capital costs range from \$2.1 million to \$3.1 million, inclusive of property acquisition costs of \$300,000 to \$600,000.

Maintenance and operating costs range up to \$543,000 per annum.

Option A – Sunshine Coast Council as Owner/Operator

Features

- Sunshine Coast Council buys land, builds the tram and associated buildings, upgrades tram tracks
- Sunshine Coast Council is the Rail Infrastructure Manager and Rail Transport Operator and operates the tramway

Cost to Sunshine Coast Council – all capital and ongoing maintenance and operating costs

Option B – Sunshine Coast Council as Asset Owner with Nambour Heritage Tramway Group Pty Ltd (NHTG) as Operator

Features

- Sunshine Coast Council buys land, builds the tram and associated buildings, upgrades tram tracks
- Sunshine Coast Council leases assets to Nambour Heritage Tramway Group
- Nambour Heritage Tramway Group to be the Rail Infrastructure Manager and Rail Transport Operator and operates the tramway

Cost to Sunshine Coast Council – all capital and some ongoing maintenance and operating costs

Option C – Sunshine Coast Council as Asset Owner and Infrastructure Manager and Nambour Heritage Tramway Group Pty Ltd as Operator

Features

- Sunshine Coast Council buys land, builds the tram and associated buildings, upgrades tram tracks
- Sunshine Coast Council is the Rail Infrastructure Manager
- Sunshine Coast Council leases assets to Nambour Heritage Tramway Group
- Nambour Heritage Tramway Group is the Rail Transport Operator and operates the tramway.

Cost to Sunshine Coast Council – all capital and some ongoing maintenance and operating

Option D – Sunshine Coast Council Provides Grant to Nambour Heritage Tramway Group Pty Ltd

Features

- Sunshine Coast Council provides a grant to Nambour Heritage Tramway Group for all asset costs
- This option does not comply with the Queensland Local Government Act and should not be considered further.

Option E – Nambour Heritage Tramway Group Pty Ltd as Asset Owner and Operator

Features

- Nambour Heritage Tramway Group sources external funding and buys all land, builds the tram and associated buildings
- Sunshine Coast Council leases the tram tracks to Nambour Heritage Tramway Group
- Nambour Heritage Tramway Group to be the Rail Infrastructure Manager and Rail Transport Operator and operates the Tramway
- Nambour Heritage Tramway Group responsible for all assets and liabilities

Cost to Sunshine Coast Council – Nil

Option F – Sunshine Coast Council as Land Owner Only

Features

- Sunshine Coast Council buys the land at both ends of the tram line
- Sunshine Coast Council leases the land and tram tracks to Nambour Heritage Tramway Group
- Nambour Heritage Tramway Group builds the tram, associated buildings, and upgrades the tram tracks
- Nambour Heritage Tramway Group is the Infrastructure Manager and Rail Transport Operator and operates the tramway
- Nambour Heritage Tramway Group responsible for all assets and liabilities

Cost to Sunshine Coast Council – land purchases

Legal

There will be legal implications if the project were to proceed:

- Compliance with State legislation and regulations.
- The form, structure and registration of the Tramway operating entity, e.g. Community based, Trust, not-for-profit, Deductible Gift Recipient (DGR) status.
- Contractual arrangements with the State, e.g. interface agreement for the Currie Street / Howard Street signalised intersection.
- Contractual arrangements with Council. This will include leases for locomotives and other rolling stock, lease of land and structures, as well as interface agreements for Howard Street and Mill Street.

Whilst the operating entity will undoubtedly have its own legal advice (possibly pro bono), Council should ensure that it legally protects not only its own interests but also those of the wider community which may be involved in this project.

Policy

Council's Financial Sustainability Plan 2010–2020

Risk

There will be a number of risk implications if the project moves forward to implementation.

Safety

At all times the responsibility for ensuring the safety of railway operations remains with the railway organisation as Rail Infrastructure Manager and Rail Transport Operator.

If Council is both Rail Infrastructure Manager and Rail Transport Operator, this represents the most risk to Council. Conversely, if the railway organisation is not Council, this represents the minimum risk for Council in the operation of the railway operations.

Council will however take control of the Howard Street and Mill Street carriageways and has a Duty of Care to the other road users including pedestrians and cyclists to provide a safe, traffic environment. This is particularly important in what will be a unique traffic environment where the tram presence may cause some distraction, and/or disruption.

The rail safety legislation and regulations seek to minimise risks to personal health and safety and in doing so recognise that the elimination or reduction of a risk comes at a financial cost. Conversely then, if the budget of the operating organisation is inadequate, personal health and safety risks may not be appropriately addressed.

Financial

As the potential owner of the track and some of the locomotives the Council may contractually distance itself from the responsibilities of the rail operations but these contracts may not absolve Council totally of some financial impost should the community-based operating entity fail to meet its obligations.

Previous Council Resolution**7.1.1 Nambour Heritage Tramway Issues Paper Report (OM14/18), Ordinary Meeting 27 February 2014**

That Council:

- (a) receive and note the report titled “**Nambour Heritage Tramway Issues Paper Report**”*
- (b) receive the Nambour Heritage Tramway Issues Paper (Appendix A)*
- (c) give in principle support for the re-activation of the existing heritage listed tramway line, located in Howard, Currie and Mill Streets Nambour, to accommodate the future running of an electric tram and all associated historic rail vehicles*
- (d) request the Chief Executive Officer to have further due diligence assessment carried out considering:*
 - (i) detailed costings, including asset condition reports of existing infrastructure and rolling stock*
 - (ii) funding sources*
 - (iii) cost-benefit / financial viability analysis*
 - (iv) Council's legal and financial liability*
 - (v) extent of community capacity and capability to support the project in terms of volunteers, sponsorship and funding from all sources and potential legacy implications for council*

- (e) *reallocate up to \$50,000 from the 2013/2014 Division 10 Councillor Emergent Capital Works and Minor Operational Works Policy funding allocations for the due diligence assessment of the project and*
- (f) *allocate further funds from the Division 10 Councillor funds in the 2014/2015 financial year should they be required to complete the due diligence assessment.*

8.1.3 Notice of Motion – Nambour Tramway Development (OM12/197), Ordinary Meeting 13 December 2012.

That Council request the Chief Executive Officer, in consultation with the Divisional Councillor, to bring to Council a report including an issues paper for the development of the Nambour Tramway utilising the existing heritage listed sugar cane locomotive line with such reports to cover the following:

- *outline of the proposal*
- *proposed ownership and operations of rolling stock*
- *route alignment*
- *property tenure issues*
- *essential infrastructure required*
- *planning and approval issues*
- *key stakeholders and any agreements required*
- *community aspirations and limitations*
- *cost estimates for:*
 - *construction (Capital Costs)*
 - *operating costs*
- *revenue potential and*
- *other items as relevant.*

Related Documentation

Nambour Heritage Tramway Issues Paper

Critical Dates

There are no critical dates for this report.

Implementation

If the proposed recommendation is adopted by Council, there would be a requirement to purchase land and negotiate leases with the Nambour Heritage Tramway Group.

8.3 COMMUNITY SERVICES

Nil

8.4 INFRASTRUCTURE SERVICES

Nil

8.5 CORPORATE STRATEGY AND DELIVERY

Nil

8.6 OFFICE OF THE MAYOR AND THE CEO

Nil

9 NOTIFIED MOTIONS**10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

- * Legible
- * Have purpose of the petition on top of each page
- * Contain at least 10 signatures
- * Motion limited to:
 - Petition received and referred to a future meeting
 - Petition received and referred to the Chief Executive Officer for report and consideration of recommendation
 - Petition not be received

11 CONFIDENTIAL SESSION**11.1 CORPORATE SERVICES**

Nil

11.2 COMMUNITY SERVICESNil

11.3 INFRASTRUCTURE SERVICES**11.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPERTY ACQUISITION****File No: Statutory Meetings****Author: Coordinator Recovery Diversion and Disposal
Infrastructure Services Department**

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

11.4 CORPORATE STRATEGY AND DELIVERY**11.4.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAJOR AND REGIONAL EVENTS SPONSORSHIP APPLICATIONS****File No: ECM****Author: Coordinator Major Events Liaison
Corporate Strategy and Delivery Department**

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by Council.

11.5 OFFICE OF THE MAYOR AND THE CEO**11.5.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SOUTH MAROOCHY DRAINAGE BOARD**

File No: ECM
Author: Solicitor
Office of the Mayor and Chief Executive Officer

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

11.6 REGIONAL STRATEGY AND PLANNING**11.6.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPERTY ENVIRONMENTAL ASSESSMENT, BUDERIM**

File No: EL002
Author: Coordinator Biodiversity and Waterways
Regional Strategy & Planning Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

11.6.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - FUTURE TRANSPORT CONSIDERATIONS

File No: Statutory meetings
Author: Project Coordinator
Regional Strategy & Planning Department

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12 NEXT MEETING

The next Ordinary Meeting will be held on 21 May 2015 in the Council Chambers, 1 Omrah Avenue, Caloundra.

13 MEETING CLOSURE